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THE NICHOLLS FAMILY IN LOUISIANA

*By a Member of the Louisiana Historical Society **

The Nicholls were a wealthy old Catholic family of the gentry of Cornwall, England. Their religion is mentioned because it was this that brought Edward Church Nicholls to America. He was the second son of John Nicholls and Cecilia Church, and was educated at the Jesuit College of St. Omers in France and destined for the Priesthood. In 1762 the College was broken up and he was ordered home. On his way he stopped in Paris, mixing in its gay society, which he enjoyed so much that when he reached Cornwall he had become convinced the church was not his vocation. As a consequence of his refusal to continue his theological studies, he was disinherited by his family. Having to make his own way in the world he selected America as his future home, and settled in Upper Marlboro, Prince George's County, Maryland, as teacher in a private school. At the same time he studied law, and when admitted to the Bar he speedily acquired a reputation for learning as well as a very lucrative practice. It was at this time that he married Williamina Hamilton, daughter of Robert Hamilton and Martha (Patsy) Craufurd.

*This interesting paper, by a member of the Society, who prefers that his anonymity be preserved, was read by the Editor at the October, 1922, meeting of the Historical Society. It will be followed from time to time by other papers on Governor Francis T. Nicholls covering important events in his life, such as Mr. Dart's address before the Supreme Court of Louisiana on the occasion of his retirement from that bench; that of Mr. Carleton Hunt before the same tribunal upon his death, and that of Colonel J. D. Hill presenting his portrait to the Court subsequent to his death.

We indulge the hope that the example set by the paper here published may rouse other contributors to similar sketches of their own particular families. Louisiana has, during her whole historic period, been filled with notable people and it is very desirable that some record of these people shall be preserved and we gladly open our pages to contributions of this character.

EDITOR LA. HIST. QTLY.

Here I shall make a slight digression which has to do with manners and conditions in the British Colonies before the Revolution. Robert Hamilton (father of Mrs. Nicholls) had been a Lieutenant in the British Navy, and was a nephew or brother of the Duke of Hamilton. He came to America on a pleasure trip about twelve years prior to the Revolution, and was warmly welcomed by the gentry of Virginia and Maryland. He met the beautiful "Patsy" Craufurd, only sister of David Craufurd, (one of the most prominent men in Maryland, owner of Craufurd Lodge, Greenwood Park, Kingston Park and Strawberry Hill), and fell ardently in love with her. They were married and after living nearly a year in Maryland, Hamilton prepared to take his wife to his home across the ocean. Unfortunately, however, he was killed by the explosion of a cannon, to which he himself had applied the match, on the occasion of the King's birthday. His daughter was born on the day her father was killed.

The Crafurds were full of family pride, so much so that if a letter came addressed to any of them without the two of us it was returned unopened. But, when the people's rights were infringed upon by the British Crown, they were among the first to join the movement which led to the Revolution.

David Craufurd was a member of the Provincial Convention which elected the First Continental Congress, and a signer of the Declaration of Maryland Freemen. In 1775 he was a member of the Upper House of Burgesses, and in 1776, he contributed 1000 pounds in money and two hogshead of tobacco, which were sent to George Washington at Valley Forge. At the close of the war he was the first Judge of Prince George County under the new Constitution. (These facts are taken from Scharf's History of Maryland.) In his will in 1801, he left 50 pounds toward the education of his nephew, Thomas C. Nicholls.

The Crafurds were connected with the Washington, Blackburne and other prominent Virginia families.

The marriage of Edward Church Nicholls with the Protestant, Miss Hamilton, still further embittered his family, by whom he was then entirely cast off. However, there were certain moneys of which he could not be deprived, and to arrange these affairs he sailed for England where he remained several years.

Returning to the United States, just after the Louisiana Purchase he came to New Orleans, feeling sure that his knowledge

of French and Spanish would insure his professional success. Nor was he disappointed; he entered into a large and lucrative practice, almost immediately. He became a favorite with Governor Claiborne, and was appointed successively Clerk of the Governor's Court, and Civil Commandant and Judge of the County of Attakapas. Upon the substitution of the Parish System, however, he was left out, being succeeded by Judge James White, father of Governor E. D. White and grandfather of the future Chief Justice of the United States Supreme Court.

Edward Church Nicholls was one of the most brilliant men of his time, but, being extremely haughty in manner, he incurred the ill-will of some of the prominent Creoles.

Three sons and a daughter survived him. The oldest son, Robert Hamilton, died in Washington from the effects of exposure in camp life during the war of 1812.

The second son, Thomas C. Nicholls, while very young studied law in the office of his brother-in-law, Nathan Morse, and received his license in his 18th year. He first opened an office in Opelousas, then he removed to New Orleans. It was there that he married Louisa Hannah Drake, a member of one of the most prominent New York families and a sister of Joseph Rodman Drake, author of the "American Flag," "Culprit Fay," and other poems.

Mrs. Nicholls was as talented as her brother, and some of her poems were published for distribution amongst the family circle, but the longest and best that she wrote, "Old Bustle Hall," dealing exclusively with the family, names, etc., has never been published, though copies are in possession of relatives. Mrs. Nicholls enjoyed the unique distinction of being daughter-in-law of one Judge, Edward Church Nicholls; wife of another, Thomas C. Nicholls, who was Chief Justice or Presiding Officer of the Court of Errors and Appeals, and the mother of three judges, R. Welman Nicholls, Thomas C. Nicholls 2nd, and Francis T. Nicholls, Chief Justice of the Supreme Court; also the grandmother of two Judges—R. Welman Nicholls, 2nd, Helena, Ark., and P. S. Pugh, Crowley, La.

A rather remarkable fact to be noted in the marriage of Thomas C. Nicholls and Louise Hannah Drake is that though both were Protestants, the ceremony was preformed by a Roman Catholic Bishop, the Rt. Rev. Du Bourg.

During the invasion of Louisiana by the British forces, 1812-15, Thomas C. Nicholls joined Maunsell White's Company, Major J. B. Plauche's Battalion Orleans Volunteers, and took part in the battles of December 23, 1814, and January 8, 1815.*

In 1815, he moved with his family to Donaldsonville, and after that time it has always been looked upon as the family home. He found there a Bar numbering among its members, Governors White and Johnson, and Judges Winchester, Baldwin and Randell. He soon attained prominence among his confreres and up to the time of his appointment to the District Bench, in 1836, he retained perhaps the largest country practice in the State. He was appointed Presiding Judge of the Court of Errors and Appeals in 1843 by Governor White, served during the life of that Court (1843-1846)†. The Constitution of Louisiana of 1845 vested the criminal jurisdiction in the Supreme Court for the first time and on the organization of that Court Judge Nicholls was offered a place on it by Governor Johnson, who had been his confrere on the Court of Errors and Appeals. He was compelled to decline this last honor on account of failing health.

Both publicly and privately he practiced the strictest temperance, and when the Louisiana State Temperance Association was formed he was elected its first President as an acknowledgment of his early efforts in its behalf. The only political position he ever held or sought, that of Representative to the State Legislature, he was forced to relinquish, as it seriously interfered with his professional duties. It is probable that he was the most beloved man in his section of the State, as even his bitterest political opponents were his personal admirers. He was survived by several sons and two daughters.

David Craufurd Nicholls, third son of Edward Church Nicholls, was remarkable for his escapades and adventures; these were numerous enough to fill a book. He joined the Navy, was assigned to the U. S. S. "Somers" and took part in the Battle of Lake Erie. He was in the boat with Perry when the latter changed his flag from one ship to another. In the large picture of this incident now in the Capitol, he is shown throwing himself in front of Perry, to prevent his being so prominent a target. A sword was given him by Congress for his gallant behavior. Resign-

*His account of the Jackson-Hall incident of this campaign will be found in 5 La. Hist. Qtly. 529-537.

†See 8, Rob. (La.) Reports, 512. His associates were George Rogers King and Isaac Johnson. It was created by the Act of April 6, 1843, No. 93, p. 59.

ing that post he came to Louisiana, where he lived a few years, then removed to Kentucky, where he married, and is said to have died childless a few years later.

Among his numerous adventures was one in New Orleans. A friend of his (Canonge, I believe, was the name), reputed to be the best dancer in New Orleans, made a rather disparaging remark to Nicholls at one of the large balls. He was immediately invited out on the Green "to settle the matter." At the time the Government was doing its utmost to stop dueling, and had passed very stringent laws regarding it, so these two young hot-heads went out together without seconds or a surgeon. On reaching the place designated, and taking their positions, Nicholls said to Canonge (calling him by his first name), "I am going to spoil your dancing." At the word Canonge fired, missing Nicholls, and in return received a bullet exactly where it had been aimed, in the leg. As Canonge fell, Nicholls rushed forward, took him in his arms, and carried him to a doctor's house. He placed him on the steps, rang the bell and departed. Many years elapsed before it was known how Canonge received his wound, as he resolutely refused to answer any questions. Needless to say, he did not dance as well as formerly.

Another of David Nicholls' exploits took place in Donaldsonville. Noticing that the family woodpile was diminishing at an astonishing rate, he determined to find out the cause. Boring a large hole in one of the most prominent sticks, he filled it with gunpowder and then drove a stob in it. Sometime near midnight there was a terrific explosion near the outskirts of town and a small negro shanty was blown down. Fortunately, there were no casualties, also there was no question as to "the nigger in the woodpile."

It will be seen from the above that *all* of the three sons of Edward Church Nicholls took part in the war of 1812-15.

The only daughter, Martha Craufurd, married Nathan Morse, a prominent New Orleans lawyer. Their only son, Isaac Edward, settled in St. Martinsville, Louisiana, and was successively elected Attorney General of the State, Representative of the Fourth District in the Legislature, and United States Congressman for four terms.

Robert Welman Nicholls, eldest son of Thomas C. Nicholls, followed in his father's footsteps and became a lawyer. When the Mexican War broke out, he joined the American Army with

his two brothers, Edward F. and Lawrence D. Nicholls. After three months' service on the border, Lawrence D. was obliged to return home on account of ill-health.* The other two served throughout the war, and were frequently mentioned in official dispatches and in contemporary histories, from one of which, "The War and its Warriors," a history of the American Army in Mexico, "Taking of the Bishop's Palace, Monterey," I quote:

"Lieutenant Wainwright was wounded in the side and arm by a musket ball. Col. Childs, Capt. Vinton, Captain Blanchard, Lieut. Longstreet, Lieut. Clerk (Adj. of the 8th), Lieut. Ayres, Lieut. McCown and the two Nicholls seem to have been the heroes of the day. The two latter performed prodigies of valor and not only Judge Nicholls but old Louisiana may well be proud of such sons. The Mexicans lost at least 300 killed."

Both were presented with gold swords by the people of Ascension, as a token of appreciation of the valor they had shown in the numerous battles. In 1848, Welman was appointed to fill the unexpired term as Judge to succeed his father, who had died in the meantime, and at its expiration he was reappointed to the same office. He married Jane M. Phillips, and they had one son, R. Welman, who also became a lawyer. He moved to Helena, Arkansas, and was frequently elected a judge there; he has died within a comparatively short period. After the death of Welman, Sr., his widow married a prominent New Orleans lawyer named Tappan, by whom she became the mother of the late Admiral

*The following verses were written by Mrs. Thomas C. Nicholls, sister of Joseph Rodman Drake, when her sons, Edward F. and R. Welman Nicholls, volunteered with Phoenix Company to rescue General Taylor.

TO MY SONS.

On Going to the Rescue of General Taylor.

'Tis your country that calls you,
Her summons obey;
Away to the rescue,
My brave boys, away.

No cravens are ye,
When her trumpet shall sound,
'Mid her gallant defenders,
Be first on the ground.

With spirits as light
And as buoyant as air,
As bold as the lion,
As fleet as the deer.

For your country has called you,
Her summons obey,
Away to the rescue,
My brave boys, away.

Though with many a pang
It may burden my heart,
Crowned with love and with blessings,
My children depart.

To the great God of battles,
That rules in the skies,
To the great God of battles,
My prayers shall arise.

To guide and to guard you
Wherever you rove,
And in safety restore me
The sons of my love.

Then away to the battle,
My brave boys away,
'Tis your country that calls you,
Her summons obey.

"Bennie" Tappan, who was stationed here a few years ago, and who has only recently died.

The second son, Edward Fitzgerald Nicholls, was a physician, and served with great gallantry throughout the Mexican War. He was the first American soldier over the walls of the celebrated Bishop's Palace at Monterey, and fought in every battle up to the walls of Mexico City. Being a brilliant Spanish scholar, he was the official interpreter of the American Army in Mexico. At the close of the war he studied medicine at the University of Louisiana, in New Orleans, and on his graduation he practiced as a physician in Donaldsonville. In 1851 he was killed by a fall from his horse. He was unmarried. On his death practically the entire Parish of Ascension was represented at a meeting of his friends, at which the following resolutions were passed:

"Resolved, that no eulogy of ours can increase the respect in which he was universally held by all classes of our community, while living, nor perpetuate any more his memory in hearts in which he was cherished by the tenderest ties of love and admiration. Raised in our midst, we all knew the generous motives that governed his actions and impelled him onwards in his short but active and brilliant career. Whether fighting bravely at the head of his columns, on the bloody fields of Mexico, and shedding an undying glory upon his native state, when he unfurled to the breeze the Stars and Stripes of his country upon the battlements of Monterey, or pursuing his occupation in our midst in the peaceful fields of his professional labors, we recognized always the same lofty ambition, the same spirit of self-sacrifice. He lived for others more than for himself, and the public spirit which he manifested was no less indicative of his character than the repeated acts of personal kindness which endeared him to all who knew him. His high professional attainments had already placed him in a commanding position, and in the bloom of his usefulness, he was cut off by an inscrutable Providence. Resolved, that the citizens be requested to wear a crepe around their left arms for thirty days as a token of public respect for the lamented dead."

It is said that every one in the Parish wore the badge of mourning.

The third son to acquire prominence was Thomas C. Nicholls the Second, who settled in St. Martinsville. He studied law in the office of his cousin, Isaac Edward Morse, a member of the United States House of Representatives, and was considered one of the most brilliant of the younger members of the Bar. In 1846 he was State Senator and was quickly appointed to the Bench.

He died at the early age of 31 years, leaving a reputation for wisdom and learning rarely exceeded by any judge. He had a keen sense of humor, and would sometimes indulge in a practical joke; one that he perpetrated on the spur of the moment came near causing a riot. A very prominent young French nobleman was visiting the Parishes and was being entertained by the wealthy Creole families. A magnificent banquet was tendered him and "Tom" Nicholls was placed next to the guest of honor. Nearing the end of the meal a large glass filled with orange thorns was placed on the table. The Frenchman had never seen any thing of the kind and inquired what they were for. He was told that it was an old custom, a relic of the time of the Indians, a test of endurance; that he would note each guest would take one, and later on would drive it into the leg of his neighbor, who to show his power of endurance was to exhibit no feeling of pain, and pass it on to his next neighbor. Everything happened as foretold by Nicholls. The guests helped themselves to the thorns (used as tooth picks in those days) and when the Frenchman's attention was distracted, Tom Nicholls gave him a sharp jab in the leg. The Frenchman, true to his Nation's reputation of being able to bear pain without flinching, gritted his teeth and made no sign of suffering. A few seconds afterwards, he thought he would pass it on as instructed, and accordingly drove his thorn into the leg of his next neighbor. Unfortunately, this man was not properly posted as to the "test of endurance," and he promptly knocked the Frenchman over amidst the wildest excitement at the table. The Frenchman took the joke good-naturedly, but regretted that a man so learned and brilliant would condescend to such a prank.

The oldest daughter, Josephine Williamina Nicholls, married William W. Pugh, one of the wealthiest and most prominent men in the State. He was Speaker of the House of Representatives and one of the most courtly members of the *vieux régime*. His kind-heartedness, chivalry, truth and manners made him truly a gentleman in the highest sense of the word. They had quite a number of children of whom four reached manhood and have identified themselves with the welfare of the State. Edward Nicholls Pugh, lawyer, located at Donaldsonville and was probably the best known lawyer in the Parish. He died a short time ago, leaving a number of children. The next son, Thomas B. Pugh, is a prominent physician of Napoleonville, Louisiana. The

third, Philip Sidney, a lawyer, settled in Crowley, Louisiana, and was elected Judge, several times. He is the fourth generation of "Nicholls" Judges. The youngest son, Lawrence Hamilton, also a lawyer, is now living in Thibodaux, Louisiana. He has inherited to a great degree, the literary gift of his grandmother and grand-uncle, and it is a great pity that he has not devoted more of his time to writing, thus using some of his undoubted talent in that direction.

Lawrence Drake Nicholls, the fourth son, was probably the most popular and best beloved of the sons of Thomas C. Nicholls. Upon the death of his father and older brothers he became the head of the family and many duties fell upon his shoulders. He was a lawyer, was elected Clerk of the Court, and many times Mayor of the town, a position he held at the time of the breaking out of the Civil War. Although he and his youngest brother, Francis T. Nicholls were opposed to secession, when the die was cast, they were the first to organize a Company to go to the front. This Company, "Phoenix Guards," afterwards Company "K" 8th La. Regt., elected Francis T. Nicholls Captain and L. D. Nicholls First Lieutenant. Upon its arrival at Camp Moore, La., with other companies, it was formed into a regiment (8th La.) and Henry B. Kelly made Colonel and Francis T. Nicholls, Lieutenant Colonel. Lawrence Drake Nicholls then became Captain of Company "K." The Regiment was part of Stonewall Jackson's celebrated foot cavalry and its fighting has never been surpassed by any other command. After participating in many battles, Capt. Nicholls met his death in one of the most desperate fights in the entire war, that of Gaines Mills. Cold Harbor and Gaines Mill are two places not very far apart on the Chickahominy, and the battle is designated by either or both names, but it was practically one and the same. By his side was killed the celebrated General Bob Wheat of the Louisiana Tigers, and they were buried in the same grave. The last words of General Wheat, were, "Bury me on the field, boys," have been made the subject of a beautiful poem, which unfortunately is not as well known as it deserves to be. Lawrence Drake Nicholls married Elisa Maurin of Paris, France, and had four sons, of whom only two reached manhood—William Pugh Nicholls and Thomas C. Nicholls.

Francis Redding Tillou Nicholls, the youngest son and most distinguished of the children of Thomas C. Nicholls, was named after his uncle by marriage, Francis R. Tillou, a distinguished

lawyer of New York, who had married Caroline Drake, a sister of Mrs. Nicholls. Francis was born August 20, 1834, and in 1851 entered the United States Military Academy at West Point. In his class were many officers who afterwards became famous on both sides of the Civil War. His room-mate was the celebrated Federal General, Godfrey Weitzel, and there always existed the warmest friendship between the two. Amongst his schoolmates were Comstock, Ruggles and Breck, Trorbett, Averill, Webb and Cregg, Dubois, Small, Merrill and Hazen, and many others. After his graduation in 1855, he served in the war against the Seminoles in Florida and later was assigned to Fort Yuma, California. He resigned in 1856 and began the practice of law in Napoleonville, in Assumption Parish, in conjunction with his brother, Lawrence D. Nicholls. In 1860 he married Miss Caroline Z. Guion, the daughter of George S. Guion, a prominent sugar planter of La Fourche. At the outbreak of the Civil War (as per sketch of Lawrence Drake Nicholls) he became captain of the Phoenix Guards, so named after the celebrated company which had served so gallantly through the Mexican War, in which his two older brothers had so distinguished themselves. He subsequently became Lieutenant Colonel of the 8th La. Regt., and at the battle of Winchester was shot in the left arm, which necessitated amputation just below the shoulder. He was made a prisoner of war, and was exchanged in 1862. He was promoted to the Colonelcy of the 16th Louisiana, and shortly thereafter was made a Brigadier General and assigned to the command of the 2nd Louisiana Brigade, composed of the 1st, 2nd, 14th and 15th La. Regiments. His division fought bravely at the Battle of Chancellorsville, under the leadership of Stonewall Jackson. At about the same time that Jackson received his mortal wound, Nicholls' horse was killed under him and the shot, after passing through the animal took off his left foot and about six inches of his leg. Being thus rendered unfit for field duty, he was placed in command of the Lynchburg District, and subsequently assigned to Texas, where he was on duty until the end of the war. Many stories have been told of him, some true, other greatly exaggerated or made up of the whole cloth. One that is most generally told and believed of him is that on one occasion stopping at a friend's house his hostess knowing his physical condition, sent a negro boy to assist him in undressing. He requested the boy to take out his left eye and place it in a glass of water. He then asked him to assist in tak-

ing off his left arm, and afterwards to untie the various leather traps by which his false left leg was made fast. He was then assisted into the bed, and Sambo, whose eyes had grown as large as saucers, was requested in the most matter-of-fact tone to help "unscrew my head." This was too much for the boy, who went out of the window, taking the sash with him for convenience. This makes a very good yarn, but the fact that he had two perfectly good eyes, though one had a cast in it, and that he had never worn a false arm, are facts omitted in the story.

Another story of him, however, which has the merit of being true was told of when he was being carried off the battle field at Chancellorsville. After losing his left foot, he said to Sam Hepburn, his aide de camp: "Sam, do you know what I am thinking about?" Sam replied in the negative. "Well, you know it has always been the ambition in our family to be on the Bench; but this unfortunate shot has ruined all my chances, for no matter how impartial and just my decisions might be, it would always be said of me that I was a 'one-sided Judge.'" To which Sam replied: "I thought you were going to die but *now* I am sure you are going to recover."

In this sketch I will tell of a few things about him which are not generally known to the public.

After hostilities ceased, he returned to Louisiana and resumed the practice of law at Napoleonville. Being at different times in partnership with Désiré Le Blanc and Ulysses Folse. He lived about a mile below the town on the left bank of the LaFourche. Every day he would go to his office mounted on an old white horse, which had been named after its former owner, Perique, and which he managed with remarkable skill, notwithstanding his physical disabilities. Perique was a wonderfully smart animal and was almost as well known as his owner. On reaching Napoleonville the reins were thrown over a horse rack until time to go home. If the General was delayed a moment longer than Perique thought was proper, he would slip off the bridle and march down to the ferry, take his place on the boat and almost tell the ferryman he must take him across.

No one of the present generation has any idea of the horrors of reconstruction, and about this time an event occurred which might have had very serious consequences if it had not been for the coolness and nerve shown by Nicholls and a few white men in the Napoleonville Court House. An election of some kind was

on and Nicholls was a commissioner. The Republican supervisor and leader of the negroes was a renegade Confederate, who evidently believed that his position gave him the right to be insolent. During the counting of the votes he made some insulting remark, and General Nicholls immediately slapped his face, on one cheek and then the other. The man did not resent it. On leaving the Clerk's office General Nicholls passed down the Court House aisle which was crowded with negroes, armed with all kinds of weapons, and who had been howling for his life; not an eyelid flickered, as he walked slowly out, showing no indication that he knew he was walking over a gunpowder magazine. The negroes were so awed by his coolness and daring that not a hand was raised against him. General Nicholls was said to be the head of the Knights of the White Camelia, which kept the negroes in check and upheld white supremacy.

In 1876 he was nominated for Governor and elected by a large majority over his Republican opponent, S. B. Packard. The Republicans, backed by U. S. bayonets, claimed the election, and it was only after the court houses were seized and the negro legislature locked in the old St. Louis Hotel by the Nicholls forces that Grant gave his celebrated order that the "status quo must be observed," which practically caused the Republican collapse. This city has never beheld a more inspiring sight than the inauguration of Nicholls on the balcony of the old St. Patrick Hall, where the New Orleans Post-Office now stands. Lafayette Square, from Camp to St. Charles and from North to South Streets, was a mass of humanity. The march down Camp street by the citizen soldiery who had helped redeem their beloved State from radical misrule, was through a crowd whose enthusiasm has never been surpassed. Nicholls' first Supreme Court consisted of T. C. Manning, C. J., R. H. Marr, Alcibiade De Blanc, W. B. G. Egan and W. B. Spencer, Associates. On the death of Egan in 1878 "Ned" White was appointed his successor, and made his first step on the long political road which led to the United States Supreme Court of which he subsequently became Chief Justice. In 1840, Governor White, father of Judge White, appointed Thomas C. Nicholls, father of Governor Nicholls, Chief Justice or Presiding Officer of the Court of Error and Appeals, and in 1878 Governor Nicholls returned the compliment by making "Ned" White a member of his Supreme Court. His administration and retirement from office are part of the history of the State.

An incident occurred while he was Governor which showed that while people may be led into excesses of anger and indignation by what at the time may be considered harsh action, when they have had time for cool consideration and calm judgment their decision is likely to be a just one. I refer to a case which occurred in St. Landry Parish. A man of respectable family and an old Confederate soldier returned to St. Landry after the war was over and became a desperado of the worst kind. He had committed a number of murders and other crimes and was finally caught, tried, convicted and sentenced to be hanged. His family and friends immediately made the most strenuous efforts to have the sentence commuted, but the Governor, after the most painstaking inquiry and examination into the record, ruled something as follows: "I have made the most careful examination possible in this case, and find that the accused had a perfectly fair trial; that there was no flaw in the evidence which showed a foul murder was committed; that there are no extenuating circumstances of any kind that would give me the right to commute the sentence. Under my oath of office, I am compelled, hard as it is for me, to carry out the judgment, and have the sentence executed." Accordingly this was done. Probably no man in public office was ever more abused and vilified than he was by the people of St. Landry. "Broodthirsty tyrant," and equally virulent terms were showered on his head. But mark the result. A few years later it was the wish and desire of the people of the Parishes that he should be their candidate a second time for Governor, although he refused time and again to allow his name to go before the Convention for nomination and stated that if nominated he would not accept. When the balloting commenced many delegates voted for him regardless of his wishes and St. Landry Parish, the largest and with the greatest number of votes except Orleans, voted their full quota, 18, for Nicholls first, last and all the time, which it only changed when it came to making the nomination of the successful candidate unanimous. I have forgotten now who it was

In the meantime he had moved his family to New Orleans, and was leading a quiet and peaceful life in the practice of his profession, with no intention of ever entering politics again, but when the Lottery question came up and the future welfare of the State was at stake, he felt compelled to obey the ringing words of his mother written at the beginning of the Mexican War: "'Tis your country that calls you, her summons obey," and to this

appeal no member of the family has ever proved recreant. His nomination, election and administration are intertwined with the history of the State, and the Lottery fight was without doubt the greatest political and moral fight that was ever waged in the United States. At the expiration of his term as Governor, he was appointed Chief Justice of the Supreme Court, a position he filled with the greatest ability. During his incumbency a constitutional amendment had been passed which gave the member of the court holding the oldest appointment the office of Chief Justice, so that when he was reappointed at the expiration of his term, 12 years, he lost his seniority and Justice Breaux became Chief Justice. A member of the Bar told me of one of the most beautiful and touching tributes that was ever paid to a man by his fellow Judges and associates, showing the high regard and esteem in which he was held by his confreres on the Bench. All offered to send in their resignations, and thus the seniority of his commission would be established. It is a tribute to human nature to feel that there are men who are willing to give up their dearest ambition to perform such an act of good will toward a fellow man. Which was the nobler, the offer that was made, or the declination, so that the letter of the law could be carried out? In 1911 he retired from office and moved his family from New Orleans to Ridgefield Plantation, just outside of Thibodaux, where he died January 4th, 1912. He left his wife, one son and five daughters, all of whom are married, except Frank W. and Miss Josephine Hamilton, who has also inherited her grandmother's gift and is one of our well known writers.

In writing this sketch, the writer has only mentioned those members of the family whose activities in connection with the military, the judicial or other public office give this sketch something of historical value. Therefore no attempt has been made to bring the sketch up to date, and it closes with the generation which ended with the death of Francis Tillou Nicholls.

NEW ORLEANS AND BAYOU ST. JOHN IN 1766*.

Extract from Journal of an Expedition along the Ohio and Mississippi by Captain Harry Gordon, 1766, p. 17.

New Orleans is but a small Town, not many good Houses in it, but in general healthy & the Inhabitants well looked; Its principal Staple is their Trade for Furs & Skins from the Illinois, their want of Negroes keep back the Indigo making; They have attempted Sugar, and there are now five Plantations that produce it, but they do not make it turn out to great account. There is only a Stockade round the Place with a large Banquet, their Dependence for Defence is the difficulty of approach, that up the River is tedious & easily opposed, particularly at the Detour d'Anglois, & there is only 12 feet Water on the Bar. The Military force at this place is at present small, not above 80 Spaniards remain of those brought with their Governor; He, it was said, Expected a 1000 Men, 300 of which would be sent to the Illinois, whether that Reinforcement was to come from Old Spain or the Havannah, I could not learn with certainty.

Our Boat & Baggage being carried to the Bayou de St. Jean, for which we Paid 20 Dollars for the Boat alone, & is only 2 Miles distance, we left New Orleans the 15th in the Evening, & lay that night at the Bayou. To this place the Trade from Mobile comes, & all manner of Smuggling: There are three Schooners, constantly ply between the East side of Lake Pontchartrain & here em-

*This document was furnished us through the kindness of Dr. Dowty, the Archivist of Canada at Ottawa. It forms part of the Shelburne Papers, Vol. 48, pp. 96-121, in the Public Archives of Canada, which were copied from the Shelburne MSS. in the British Museum, Vol. 48, pp. 159-178. In the latter collection the original journal is endorsed, "Copy of Capt. Gordon's Journal, 1766. Inclosed in Genl. Gage's letter (no. 5) of the 22 February, 1767."

The Shelburne MSS. from which these extracts have been taken were owned and collected by William Petty, 1st Marquis of Landsdowne, better known as Lord Shelburne; he occupied in turn almost all the great offices of state and was one of the great Englishmen of the century in which he lived. "His valuable collection of MSS. which included the original state papers of Lord Burghley, the correspondence of Sir Julius Caesar, and the collections of Bishop White Kennett and Le Neve, were purchased for the British Museum in 1807, a parliamentary grant of 4,925L. being voted for that purpose." (Catalog Landsdowne. Mss, 1819.)

A report on the Shelburne Papers will be found in the 3rd, 5th and 6th report of the Royal Historical Manuscript Commission. The Manuscript Departments of both the Canadian and U. S. Government are making collections of copies of the Shelburne MSS. relating to the colonial history of America.

WILLIAM BEER,
Advisory Editorial Board,
Louisiana Historical Quarterly.

ployed in bringing Tar. There is a good Harbour for Craft here. The 16th in the Afternoon we went along the Bayou which is 2 Leagues long, & only Twenty five feet wide in many places. It is deep Enough but the Windings are so short sometimes, that a Schooner has Difficulty to turn; The Grounds on each side were under water except in three or four Places where Rice had been cut off, & in general the Country is overflowed, between Lake Pontchartrain & the Mississippi, to within 2 Miles of the last; this particularly in high Easterly Winds, which was now the cause of the Waters Height. At Dusk we passed the Blockhouse at the opening into Lake Pontchartrain, in which was a Serjeant & 12 Men, French and Spaniards and some small Cannon mounted; We continued Rowing till 11 o'clock & rested. Next day by noon we were across the Lake, the wind in our Teeth; That Afternoon we went down the Regolets which is the Communication between the Lake & the Sea; It is $2\frac{1}{2}$ Leagues long, deep, from 4 to 5 fathom."



ALMONESTER'S WILL.

SPANISH JUDICIAL RECORDS OF LOUISIANA

1794.

EDITORIAL INTRODUCTION.

We begin here the publication long in preparation, of selected papers from the Spanish judicial archives of Louisiana. An index to these papers is progressing as rapidly as possible under the circumstances and we begin to print it in this issue as a regular department of the Quarterly in the manner now being pursued with the index to the judicial records of the French Superior Council of Louisiana.

Don Andres Almonester y Roxas, whose will is here printed in text and translation, was considered in his life time the richest citizen of Louisiana. His preëminence was not, however, due to this fact, but to his civic pride and good works. His epitaph, written in Spanish, is still visible on the marble slab covering his final resting place inside the Cathedral in New Orleans (opposite the old Place d'Arms) and it furnishes in epitome the record of his life.

Here lie the remains
of
Don Andres Almonaster y Roxas
A Native of Mayrena
In the Kingdom of Andalusia
He died in the City of New Orleans
On the 26th day of April, 1798
Being 73 years of age
A Knight of the Royal and Distinguished
Order of Charles III
Colonel of the Militia of this department
Alderman and Royal Lieutenant of this Corporation
Founder and Donor of this Holy Cathedral
Founder of the Royal Hospital of
St. Charles and of its Church
Founder of the Hospital for Lepers
Founder of the Ursuline Convent
Founder of the School for the Education of Girls
Founder of the Court House
All of which he had built at his own expense
In this City
Requiscat in Pace*

*"Almonaster" in Grace King's "Creole Families of New Orleans," Chap. XIX, p. 309. New York, The Macmillan Co. 1921.

The Almonaster will is a valuable document in the study of Spanish probate practice in Louisiana, and that is the primary reason for its publication. It is obviously valuable also from other points of view. Indeed, it may be said that it is an extraordinarily interesting contribution to the history of that period. The translation has been made by that ripe and industrious scholar, Dr. J. F. Jameson, of Washington, D. C., who turned aside from his many duties to lend us a hand in getting a correct version from the translator's point of view. The text of these old documents is not always readily translatable, and Dr. Jameson has rendered us a great service in applying his knowledge of the language and his experience with old Spanish to the solution of this particular document. The learned translator says,

"in translating it has been thought best to be literal, and for instance in cases where the grammar was faulty or the sequence imperfect, because the writer lost sight of his subject or predicate as he went on, to leave it so."

But we are inclined to add that he is over modest in so qualifying his work; he has, on the contrary, quickened the old writing and rendered its spirit in a very delightful way.

The story of Almonester or Almonaster, as it is most usually written, forms no part of the topic of this paper, and those who desire something further on that line may turn to Miss King's book without fear of disappointment.

In the will of Almonester, mention is made of "documents which I have drawn up in respect to patronage of the Charity Hospital of St. Charles." We have found a file covering this matter and it will be the subject of another paper.

It is noted in the will that the testator is childless, but a child was born to him after the will was made. Subsequent to his death in 1798, a litigation was begun involving the construction and caducity of the same. This interesting law suit has been found and it also will be the subject of another paper.

ALMONESTER'S WILL, 1794. (Translation.)

In the name of Almighty God and of the
WILL Virgin Mary, His Blessed Mother, conceived
without original sin, Amen:

Be it known, that I, Don Andres Almonester y Roxas, native of Amayrena de Lancor in the bishopric of Seville and kingdom of Andalusia, and inhabitant of this city of New Orleans in the

Province of Louisiana, colonel of the battalion of white militia, permanent magistrate (*Regidor perpetuo*) and royal ensign (*Alferes Real*) for His Majesty, legitimate son of Don Miguel Joseph Almonester and of Dona Juana Maria de Estrada y Roxas, both deceased;

Finding myself to be ill, but possessed of my unimpaired judgment, perfect memory, and natural understanding which God has been pleased to give me; believing as I do firmly believe in the mystery of the Most Holy Trinity, Father, Son and Holy Ghost, three Persons really distinct in one true substance; in the mystery of the Incarnation of the divine Word made man for our salvation in the life, passion, death and resurrection of Jesus Christ our life; in the rewarding of the good and punishing of the reprobate; in the perfect purity of Mary, our most Holy Lady and Mother of sinners; and in all the other articles and mysteries which are believed, preached, and taught by our Holy Mother, the Catholic Apostolic Church of Rome, ruled and governed by the Holy Spirit, in whose faith I have lived and declared my intention of living 'till I die as a Catholic and faithful Christian:

Apprehending that death is natural, its hour uncertain, and that my own is destined to arrive, I desire to make my will, and for wisdom and guidance in this, I invoke as intercessor the same sovereign Queen of the Angels, Mary our Most Holy Lady, and I beseech her to intercede with her precious Son that He may pardon my heavy sins and put my soul in the way of salvation, and with this protest, supplication, and divine invocation, I ordain as follows:

1. I commend my soul to the same God who gave it, created it, and redeemed it with the infinite price of his most precious blood, passion, and death, and I implore His Divine Majesty that He be pleased to pardon it and to take it to the eternal peace with His elect for which it was created; my body I commit to the earth of which it was formed, and order that, on my dying, it be dressed with my military insignia and given burial in the parish church of San Luis in this city, built at my expense, in such place as may be designated by my executors, to whose disposition I leave my funeral and interment, that it may be performed as shall seem good to them, for such is my will.

2. I order that three requiem Masses be said for my soul, and as many more as my executors shall think it fitting should be celebrated; and that eight reals shall be given in alms once, for

the obligatory bequest, and that at my burial two hundred poor persons shall be present, to each one of whom eight reals of alms shall be given once, which shall be paid by my executors, they being assured in whatever manner they may find suitable, of the actual presence and assemblage of these persons at my burial, in order that presence may not be falsely pretended on the part of some.

3. I declare, that I was married, in first wedlock, in the Kingdom of Andalusia, to Dona Maria Martinez, daughter of Don Nicolas and of Dona Juana Gomez, of which marriage I have no heirs, since although we had a son from it, he died without posterity at his birth, and we both came on equal terms to that marriage, without fortune or dowry, and I have no responsibilities arising from that marriage or its results, for which cause I owe nothing and have nothing to assign to any person.

4. I declare that, secondly, I was married in this city to Dona Luisa Laronde, native of this place, legitimate daughter of Don Pedro and of Dona Magdalena Broutin, from whom also I have no heir, nor have had any, and when I contracted this marriage my aforesaid wife brought as her dowry the house which has served as intendant's and auditor's office, facing on the levee of this river, next to the Government House and contiguous with that which was left as the property of Dona Theresa Gallard, and those of the Mariscal de Campo Don Esteban Miro; and it is the same which, having cost me twenty thousand dollars, I gave to my aforesaid wife before our marriage, that she might have an establishment; and she, with what her house-rents then brought to her, bought nine slaves, which she likewise brought as her dowry, and which averaged, one with another, four hundred dollars apiece, though some were small, and some of them have died, and I added thereto, as my fortune, the sum of one hundred and eighty thousand dollars, to which my property then amounted, consisting of slaves, the house in which I dwelt, those which front on both sides of the Plaza, the plantation of the Gran Bayu, and that which adjoins the gate of that name, money, jewels, rents, securities, and whatever else I possessed, as is well known and established.

5. I declare, as to my present property, that when I contracted my said second marriage, I had made or built the Hospital of San Carlos de Caridad, the convent of Ursuline Nuns, and the Hospital of San Lazaro, which I established with a fund

of four hundred thousand dollars which I had destined to these and other works of piety.

6. I declare as my actual possessions those which are well known to my executors, consisting in various things—slaves, houses already mentioned, all well known and whatever things, of my service, shall be found in my house and papers, the office of magistrate and city ensign which I hold, and all sums owing to me which are evidenced by writings and plain obligations, and these shall be recovered on expiration of the terms mentioned in them.

7. I declare as a matter that may be important that for some time past I have been practically withdrawing from my said offices of Magistrate, (Regidor) and royal ensign (Alferes Real), for the benefit of my brother-in-law, Don Pedro Laronde, lieutenant in the permanent regiment of Louisiana, and have signed the last document, and verified it in the present month, but if, by reason of the disablement of the hand which my present illness causes, I shall not be able to sign those which I shall hereafter deliver, they are to be held as certain and genuine with only the attestation which the notary shall give to the act, declaring now and henceforth that I make the said renunciation of the offices mentioned out of grace, gratuitously and without profit, in favor of the aforementioned Don Pedro Laronde, for which nothing shall be demanded from him.

8. I declare, that of the fund of four hundred thousand dollars which I have said that I had before my second marriage, for the pious works mentioned, one of which is the parish church of San Luis in this city, some money remains at my disposal, wherefore I order and it is my will that the said church shall be finished with the said remainder, and in consideration of its not being sufficient to finish the whole, (let them finish) the iron screen-work belonging to the large sanctuary, (Capilla) the sacristy and side-chapel, the pulpit in Roman style, the stalls for the lower choir, the high altar in Roman style, and the screen-work toward the galleries.

9. I declare, that the gallery which I have built in the said church in front of the sanctuary, over the principal door of the latter, I have reserved for myself and my family, and I have solicited and petition should be made to His Majesty to obtain the assignment (approval) of this; and hoping that the King (whom God preserve) may be pleased to grant it, I order, and it is my

wish, that this privilege and favor which I hope for may descend to my successors.

10. I declare that the King our lord (whom God preserves) has granted to me the position of patron and the privileges of the same in respect to the Hospital of San Carlos de Caridad, (Charity Hospital of St. Charles) which I founded in accordance with the royal cedula (order), issued in my favor for that purpose, and since by reason of my death it is necessary to designate a person who shall represent me and be substitute for me in the said patronage, in pursuance of the right which His Majesty granted to me and approved, I ratify the nominations made by me in the documents which I have drawn up in respect to this matter.

11. I bequeath to the said Hospital de Caridad the sum of five hundred dollars, and it is my will that this sum be preserved and set aside according to law for funds of the said hospital, the income to be applied to its necessities.

12. I also bequeath, to be paid once, alms of twenty dollars to each of ten girls, of the poorest of this city, whose circumstances shall be inquired into and ascertained before the parish priest of this parish church, with the aid and cognizance of my executors, and on verification of this matter these ten alms shall be paid.

13. I order that ten dollars be paid each month to my mother-in-law, Dona Magdalena Broutin, to aid her necessities as long as she shall live, and make this gift to her and desire that it be continued according to the terms prescribed in this.

14. I order also that to each of my sisters-in-law and brothers-in-law and to each of their sons and daughters, there be given once, twenty dollars, after notification of my death, in order that therewith they may clothe themselves in the mourning which in such case they would use, wherefore I make the formal legacy.

15. I order, give and bequeath the sum of one thousand dollars to my nephew german, legitimate son of Lieutenant Colonel Don Christoval Sejudo and of Dona Mariana Almonester, my sister, both now deceased; which nephew must now be living in the city and royal court of Madrid, to whom a letter of advice shall be sent, in order that he may arrange for the remittance, on his own account and risk; and in case he shall have died, the said thousand dollars shall remain in the body of my estate, this clause in such an event being regarded as null.

16. Also I order and bequeath to each of my nephews, the sons of Don Juan Joseph Triquery, permanent magistrate of the city of Carmona, and of Dona Josefa Almonester, my sister, the sum of one thousand dollars, to be paid once, and in pursuance of this clause they shall be seasonably notified, for the collecting of the bequest on the account and risk of the said interested parties; declaring that, if any of them shall have died, the corresponding sum shall remain in my estate, and the same if all shall have died; but with the proviso, that no one of these nephews shall trouble my heiress until the term of one year shall have passed.

17. I order, and it is my will, that my said nephews shall request that formal copies be given them of the documents which give evidence of the works of piety I have performed in this city, since, although I have not had them certified with any intention of obtaining any reward for them, they may serve for merits in order that His Majesty may deign to confer upon them such favor as his royal piety may think fit, having regard to their abilities, rank, conduct, and situation, respecting which, notwithstanding my slight merits, I make the most reverent and humble supplication to His Majesty.

18. I name as my testamentary executors, jointly, the aforementioned Dona Luisa Laronde, my wife, and Senor Don Juan Ventura Morales, auditor elect (Contador Electo) of America, in order that in virtue of the power which I confer upon them, and of the law, it may be required that they shall comply with this my will even though the year of their executorship be expired, the same being prolonged as much as they shall require; and for custodian of goods, my said wife alone; and of the remainder of all my goods, rights, and shares, which now belong to me or may hereafter come to me (the obligations in the preceding paragraphs having first been satisfied) I institute and nominate as my sole and universal heiress, the aforementioned Dona Luisa Laronde, my present wife, in order that whatever there may be, she may have and inherit it, with the blessing of God; and I revoke and annul all other wills, codicils, powers, memoranda, and dispositions whatsoever that may have been made heretofore, by word of mouth, by writing, or in any other form, and I desire that they neither be valid nor be received with credit, either in court or out of it, save only this, which I desire shall be kept, fulfilled, and executed as my last and final will, in that manner and form that it may take place; in testimony whereof this document is

drawn up, in this city of New Orleans, on the twentieth of August, 1794. I, the notary public, certify and acknowledge that the testator appeared to be in his entire right mind; that he did not sign because the impediment of the right hand in which his infirmity consists did not permit him to do so, and at his request this was done by the witnesses, who were Lieutenant-Colonel Don Joseph de Pontalba, Don Rafael Ramos y Vilcher, quartermaster, honorary inspector of the hospital, and Don Antonio Rodriguez, inhabitants, being present,

19. That at the time of executing, the gentleman executing this will declared that it was his desire that he should be buried in the cemetery or ground consecrated to the burial of the faithful, for on further reflection he has decided it thus, as deeming it fit; and not that it be done in the church as he had resolved.

20. Another note: That, as regards the five hundred dollars which he is leaving to the Hospital of San Carlos de Caridad, and which he wishes to be left in the form and for the purposes indicated, this contribution or bequest must be understood to be for one time only, and as regards the monthly allowance of ten dollars which he has arranged to be left as a legacy to his mother-in-law, Dona Magdalena Broutin, during her life, it must be understood to mean only during the year of executorship, for, as concerns this benevolent legacy, which I leave to her during her life, she must arrange matters with my heiress, who is her own daughter.

Dated as above, witnesses as mentioned:

At the request of the testator, and as witness, Joseph de Pontalba

At the request of the testator, and as witness, Rafael Ramos

At the request of the testator, and as witness, Antonio Rodriguez.

By me: Carlos Ximenès.

Copy of the original, (to which I refer) made at the request of the widow and executrix. Given in the City of New Orleans this eleventh day of May of the year 1798.

ALMONESTER'S WILL, 1794 (Text.)

TESTAMENTO.

En el Nombre De Dios todopoderoso, y de la siempre Virgin Maria su bendita Madre concebida sin la cupla original. Amen:

Cepase que yo Dn. Andres Almonester y Roxas natural de Amayrena de Lancor obispado de Seville Reyno de Andalusia, y vecino de esta ciudad de la Nueva Orleans Provincia de la Lui-

siana; coronel del Batallon de Milicias blancas, Regidor perpetuo y Alferes Real de ella por su Magestad, hijo legitimo de Dn. Miguel Joseph Almonester, y Donna Juana Maria de Estrada y Roxas ambos difuntos.

hallandome enfermo, pero en mi entero juicio, cumplida memoria y entendimiento natural que Dios ha sido servido darme; creyendo como firmemente creo en el misterio de la Santissima trinidad Padre, hijo y Espiritu Santo, tres personas realmente distintas, y una esencia verdadera en el misterio de la encarnacion del verbo divino hecho hombre para nuestro remedio en la vida pasion muerte, y resurreccion de Jesuchristo vida nuestra, en el premio de los buenos, y castigo de los reprobos: en las entrañas purisimas de Maria Santisima Señora nuestra y Madre de Pecadores: y en todos los demas articulos y misterious qe. cree, predica y enseña nuestra Santa Madre la Iglesia Catholica Apostolica de Roma, regida y Gobernada del Espiritu Santo, baxo cuya fé he vivido y protesto hacer lo en forma hasta morir como Catholico y fiel Christiano:

Temiendo la muerte que es natural, su hora incierta y que ha de llegar la mia, quiero hacer testamento, y para su acierto y direccion invoco por intercesora á la misma soberana Reyna de los Angeles Maria Santisima Señora nuestra, y le suplico interceda con su precioso hijo perdone la gravedad de mis culpas y ponga mi Alma en carrera de salvacion, con cuya protesta, suplica, y divina invocacion lo ordeno en la manera sigte.

1. Encomiendo mi Alma al mismo dios que me la dio, crió y redimio, con el precio infinito de su preciosissima sangre, pasion, y muerte, y suplico á su divina Magestad se digne de perdoner la, y llevarla al eterna descanso con su escogidos para donde fue criada: el cuerpo mando a la tierra de que se formo, y en falleciendo, vestido que sea con mis insignias Militares se le dé sepultura en la Iglesia Parroquial de San Luis de esta Ciudad que he construido a mis expensas en el parage que destinaren mis Albaceas, a cuya disposicion dexo mi funeral y entierro para qe. lo haga como le paresca, por ser esta mi voluntad.
2. Mando se digan las tres Misas de Alma por la mia, y las demas, que para sufragarla, tubieren á bien mis Albaceas se celebren: que se den de Limosna ocho reales por una vez á las mandas forzosas, y que á mi Entierro asistant dos cientos Pobres, á quienes tambien por una vez se darán ocho reales de

Limosna á cada uno, los que se pagarán por mis Albaceas constandoles la verdadera asistencia y concurrencia de estos mi Entierro, en el modo que allaren por conveniente, á fin de que por algunos, no se aparente a fin de que por Algunos no se aparente la concurrencia.

3. Declaro: que en primeras Nupcias fui casada en los Reinos de Andalusia con Da. Maria Martinez, hija de Dn. Nicolas, y de Doña Juana Gomez, de cuyo Matrimonio no tengo sucesion, porque aunque de el tubimos un hijo este murió con poca posteridad á su nacimiento, y ambos venimos iguales á el sin capital, ni dote, no siendo responsable á cosa alguna por razon de este Matrimonio, y de resultas de el; en cuya virtud nada debo ni tengo que abonar á persona alguna.
4. Declaro que segunda vez me desposé en esta ciudad con Da. Luisa Laronde de esta naturalidad, hija legitima de Dn. Pedro, y Doña Magdalena Broutin, y del qual tampoco tengo sucesion, ni la he tenido, y quando contrahe este Matrimonio trajo la antedicha mi Esposa por sus dotales á el la casa que ha servido de Intendencia y contaduria, haciendo frente á la Leve de este Rio inmediata á la del Gobierno, lindando que esta con la que quedo por bienes de Da. Theresa Gallard, y las del Señor Mariscal de Campo Dn. Esteban Miro; y es la misma que habiendome costado veinte mil pesos, done a la ante dicha mi Muger antes de nro. Matrimonio para qe. tomase estado; quien con lo que rendieron entonces sus alquileres compró nueve piezas de Esclavos que asi mismo trajo por sus dotales, que regulo unos con otros á quatrocientos pesos cada uno, sin embargo de haber habido algunos pequeños, y de los quales han muerto varios, y yo junte por mi capital la cantidad del ciento ocheta mil pesos que importavan entonces mis bienes consistentes en Esclavos casa de mi morada, las que hacen frente a la Plaza de uno y otro lado, la Hibitacion del Gran Bayu, y la que está junto á la Puerta de este nombre, dinero, Alajas, prendas, y demas que posehia, como es notorio y constante.
5. Declaro por mis bienes actuales, digo; que quando contrahe mi dicho segundo Matrimonio tenia hecho, ó construido el Hospital de San Carlos de Caridad, el Monasterio de Religiosas ursulinas, y Hospital de San Lazaro: lo qual verifique de un fondo de quatro cientos mil pesos qe. tenia destinados para estas y otras obras de piedad.

6. Declaro por mis bienes actuales los que son constantes á mis Albaceas, y consisten en varias casas, Esclavos, Habitaciones referidas y bien conocido todo con lo demas de mi servicio que se encontrara en mi casa y papeles: el oficio de Regidor Alferes Real que sirvo, y las deudas activas que constarán de Escrituras y obligaciones simples, las que se cobrarán concluidos los plazos qe. contienen.
7. Declaro para los efectos que puedan importar, que hace tiempo estoy renunciando mis dichos oficios de Regidor Alferes Real que obtenga, en el Teniente del Regimiento fixo de la Luisiana Dn. Pedro Laronde mi cuñado, como lo practico, y hé firmado la ultima que hé verificado en el presente mes, pero si acaso por el impedimento de la mano que me ha ocasionado mi infirmeria, no pudiere firmar las qe. en adelante otorgaré se han de tener por ciertas y verdaderas con sola la fé que el Escribano diere del acto; manifestando desde ahora que dicha renuncia de los indicados oficios la hago graciosamente y sin interes á favor del enunciado, Dn. Pedro Laronde, por lo qual no se le exhigira importe alguno.
8. Declaro: que del fondo de quatro cientos mil pesos que he dicho tenia antes de mi segundo Matrimonio para las obras pias indicadas, y de las quales es una de ellas la Iglesia Perroquial de San Luis de esta ciudad, existe algun dinero en mi poder, por cuyo motivo mando y es mi voluntad se concluya la referida Iglesia del dicho resto respecto á faltarle para su entera conclusion el Barandage de fierro correspondiente á la capilla mayor, sagrario, y capilla colateral: Pulpito á la Romana silleria para el coro baxo, Altar mayor á la Romana, con el Barandage para las Tribunas.
9. Declaro: que la Tribuna que he construido en dicha Iglesia al frente de la capilla mayor sobre la Puerta principal de ella, me le he reservado para mi familia, por cuya rason ha de hacerse la solicitud y suplica á su Magestad para obtener la concepcion de ella; y esperando que el Rey (Dios le guarde) se ha de dignar acordala; mando y es mi voluntad que este privilegio y gracia que espero recaiga en mis successores.
10. Declaro: que el Rey nuestro Señor (Dios le gue.) me tiene declarado el Patronato y privilegios de tal por el correspondiente al Hospital de San Carlos de Caridad, que fundé conforme á la Real Cédula expedida sobre el particular á mi favor; y respecto á que por mi fallecimiento es forzoso destinar

persona que me represente, y sustituya en dicho Patronato mediante á la facultad que se me concede, y aprebo S. M. ratifico en bastante forma les nombramientos hechos por mi en las constituciones que formé sobre este asunto.

11. Lego y mando al mismo Hospital de Caridad la cantidad de quinientos pesos, y es mi voluntad que esta suma se asegure é imponga conforme á dro. para fondos del mismo Hospital; cuyos reditos se aplicarán para sus necesidades.
12. Lego y mando asi mismo por una vez, veinte pesos de limosna á cada una de diez Ninas doncellas de las mas pobres de esta ciudad, cuya circunstancia se probara y calificará ante el Señor Cura Parroquo de esta Iglesia Parroquial con intervencion y conocimiento de mis Albaceas, y verificada esta diligencia se executará el pago de estas diez limosnas.
13. Mando que á Da. Magdalena Broutin mi suegra se le den diez pesos cada mes para ayuda de sus urgencias durante su vida, cuya gracia le estoy haciendo, y quiero se continúe conforme lo llevo clausulado en esta.
14. Mando tambien que á cada una de mis cuñadas, cuñados y concuños, como á cada uno de los hijos é hijas de estos se den por una vez veinte pesos, verificado mi fallecimiento, a fin de que con ellos vistan el Luto de que en tal caso han de usar para lo qual hago el Legado mas en forma.
15. Mando, dono y lego la cantidad de Mil pesos á mi sobrino carnal hijo legitimo del Teniente Coronel Dn. Christoval Sejudo, y de Da. Mariana Almonester mi hermana ya difuntos; el qual sobrino deberá existir en la Villa y Real Corte de Madrid, á quien se pasará carta de aviso para que disponga el cobro, de su cuenta y riesgo; y caso que haya fallencido quedaran dichos mil pesos en la masa y cuerpo de mis bienes, dando en semejante evento por ninguna esta clausula.
16. Asi mismo mando y lego á cada uno de mis sobrinos hijos de Dn. Juan Joseph Triquery, Regidor perpetuo de la Ciudad de Carmona, y de Da. Josefa Almonester mi hermana la cantidad de un mil pesos, por una vez, y conseqüente á esta clausula. se les avisará oportunamente para la recaudacion de cuenta y riesgo de los mismos interesados; con declaracion que si alguno de estos hubiere fallecido, quedará lo correspondiente en el fondo de mi caudal, y lo mismo si todos hubiesen muerto; pero con la calidad que ni unos, ni otros

sobrinos hayan de incomodar a mi heredera hasta haber pasado un año de término.

17. Mando y es mi voluntad que les referidos mis sobrinos piden se les dé copia en forma de los documentos que acrediten las obras pías, que tengo hechas en esta ciudad pues aunque yo no las he verificado con el interés de obtener por ellas recompensa alguna, pedrán servirles de mérito para que su Magestad se digne hacerles la gracia que su Real piedad tenga a bien, con atención á la capacidad estado, conducta y situación de estos, sobre lo qual hago á S. M. la mas reverente y humile suplica, sin embargo de mis cortos méritos.
18. Nombro por mis Albaceas testamentarios mancomunadamente é insolidum a la enunciada Da. Luisa Laronde mi consorte, y Señor Dn. Juan Ventura Morales, contador electo de America, para que en virtud del Poder que les confiero, y de derecho se requiera cumplan con esta mi disposición aunque sea pasado el año del Albasceasgo con prorrogación del mas término que necesitaren; y por tenedora de bienes á la indicada mi Muger tan solamente: Y del remanente de todos mis bienes dros. y acciones (satisfechas las obligaciones clausuladas) que hoy me pertenecen y en lo adelante tocarme puedan, instituyo, y nombro por mi unica y universal heredera á la mencionada Da. Luisa Laronde mi actual Muger, para que lo que fuere lo haya y herede con la benedición de Dios: Y revoco y anulo, otros quales quiera testamentos, codicilos, Poderes, Memorias, y disposiciones que antes de este haya hecho para testar de palabra por escrito. ó en otra forma, que quiero no valgan ni hagan fé en juicio, ni fuera de el, salvo este que quiero se guarde, cumpla, y execute por mi ultimo y final voluntad, en aquella via y forma que haya lugar: en cuyo testimonio es fecha la carta en esta ciudad de la Nueva Orleans á veinte de Agosto de mil setecientos noventa y quatro años: Yo el Escribano doy fé conosco al Señor otorgante que al parecer esta en su entero juicio, que no firmó porque el impedimento de la mano derecha en que consiste su enfermedad no le da lugar á ello, á su ruego lo hicieron los testigos que lo fueron el teniente Coronel Dn. Joseph de Pontalba, El Señor Comisario ordenador honorario contralor del Hospital Dn. Rafael Ramos y Vilches y Dn. Antonio Rodriguez vecinos y presentes.

19. Nota: Que al tiempo de otorgar el Señor otorgante esta disposicion, dixo ser su voluntad se le sepulte en el cementerio ó campo santo destinado para sepultar á los fieles, pues mexor acordado lo ha resuelto asi por tenerlo por conveniente, sin que se verifique en la Iglesia como lo tenia resuelto.
20. Otra: Que en orden a los quinientos pesos qe. lega al Hospital del San Carlos de Caridad, y quiere se impongan en la forma y para los fines indicados, debiera entenderse esta contribucion ó empuesto por sola una vez y no mas, y que quanto a los diez pesos mensuales que ha dispuesto se den en calidad de legado á su suegra Da. Magdalena Broutin durante su vida, deba entenderse solamente durante el año de Albaceasgo, pues en quanto á la contribucion de esta gracia que le hago pendiente su vida, debiera entenderse con mi heredera que es su propia hija, fecha ut supra, testigos los dichos—Aruego del otorgante y como testigo—Joseph de Pontalba—A ruego del otorgante y como testigo—Rafael Ramos—A ruego del Senor otorgante y como testigo—Anto. Rodriguez

Amy: Carlos Ximenes.

Es copia de su original a que merremito y de pedimento de la sra. Viuda y Alvacea doy la presente Na. Orleans once de Mayo de mil sets. noventa y ocho.—

Carlos Ximenes.

EPISODES OF LIFE IN COLONIAL LOUISIANA

By Henry Plauché Dart.

I

DUPONT THE SABBATH BREAKER

(French Judicial Archives of Louisiana, 1726.)

On Sunday, March 24, 1726, between 9 and 10 o'clock in the morning, High Mass was being celebrated in New Orleans and all the people of the little city were dutifully following the Divine Word in the small wooden church opposite Place d'Arms, at or near the spot where its successor, the Cathedral, now fulfills the same holy function. But only the good people were there, that is all save Fleuriau, the Attorney General of the King,¹ who, greatly to his sorrow and regret, felt called upon to absent himself that he might better serve the King and the Church in compelling obedience to the Sunday Law Edict of the Colony's late lord and master, Louis XIV, Grand Monarque of France. It is true this famous ruler had paid the debt of nature some ten years or more, but his apprehension for the souls of his vassals continued to sway the mind and will of his weaker successor. Thus it was that in 1726 the Church in Louisiana was still an important feature of the Governmental System, and it was the law that on Sundays and Feast Days all persons should suspend their usual avocations during the service of Mass. What would have happened did they not attend the service we are unable to say, possibly something not pleasant to contemplate, but we do know that whatever the Church might do on that feature, the State punished certain offenders who, in derogation of the rules and regulations for the Sabbath, would openly or otherwise provide food and drink during the service.

There must indeed have been a very considerable and shameless violation of these rules to have caused the Attorney General to forego his religious duties, but whether this dereliction had become more or less a sore spot in the community, it remains the fact that if he did not wholly absent himself from High Mass on Sunday, the 24th of March, 1726, he did during that service gather his staff together and depart upon a visit to the cabarets,

¹Louis XV of France, 1715-1774, successor to Louis XIV. Louisiana was ruled by these two sovereigns from 1699, the date of the first settlement, to 1769, when Spain took physical possession of the Colony.

"to see if they were drinking there
contrary to the decrees and regulations
on that subject."

In view of the somewhat damaged reputation of the word "cabaret" in the year of our Lord one thousand nine hundred and twenty-three, it may be well to say that we have nothing in our records to indicate that in 1726, the name had any offensive or suggestive meaning. There are several modern usages that prevail in places where we now gather to dine or to sup, that would doubtless have sunk with despair the righteous soul of the Attorney General of the King in Louisiana had he unwittingly have fallen upon such an exhibition on that quiet Sunday in March, when he went forth upon his raid on the primitive cabarets of his time. But we must hasten to add that whether or not we possess cabarets by descent from these first cabarets of New Orleans, it is admittedly not proper to do here or now in those cabarets or anywhere else, what in the sylvan and maybe benighted community of 1726 it was perfectly respectable and proper to do at all times, always saving the fact that it were not done during the hour of High Mass or during any religious service on Sundays or Feast Days.

The Constitution of the United States has been amended and various and sundry laws and regulations have been enacted by the Congress and the States concerning the absorption of liquids not only on Sunday but in every minute of the twenty-four hours that carry on through never ending days of dryness and deprivation. There was a time in the jolly days when New Orleans was "the city by care forgot" that at every rendezvous there were always two popular and always to be expected requests, "Give us a drink bartender," and "oh Lord how dry we are,"—and these desires were unfailingly provided for without any idea that it was destroying the morals or sapping the virtue of the commonwealth, and, to state the other side of the proposition, (for I am not a partisan of either camp) without appreciating how wrong and wicked it was to put the blight of inebriety upon ourselves, our children and our times. But let us get away as quickly as we can from this morass of problems that we are entangling ourselves in. We cannot do so, however, without adding that in those days, the days of 1726, our French forbears called (and their over-the-ocean descendants still call) their favorite drink "eau de vie" and under that name they shamelessly swallowed

brandy under the shallow pretence of their dictionary makers, that it was the "water of life"! Heigho, how times have changed! The water of life in New Orleans today comes from the city water works or it is painted by a factory with some cheap color and poured upon us as grape juice, unless indeed one gets hold of something by the underground route, and then, oh then, not even the wicked bootlegger may be able to prophesy the consequences of imbibing this "water of life."

How many of these cabarets there were in New Orleans the chronicle doth not say² but there was one that the Attorney General had long had his eye on. He entered the house of Charles Dupont, where he says:

"We found several sailors around a table on which there was a bottle of eau de vie (brandy) and an omelette and bread; the said sailors were eating breakfast and I made them leave after having told the said Dupont that I would report it to the Council, having already warned him several times that he would be prosecuted and punished, as he violated every day the decrees and regulations and received these people at his place at all hours."

Whereupon the Attorney General writes (on that same Sunday) a proces-verbal of his visit. That serious looking hyphenated thing, a "proces-verbal" was a favorite with our ancestors and it is still preserved in our law practice. It means literally a written report, ("proces") of any "verbal" happening; thus the deliberations of a family meeting in our probate practice are oral but the Notary who presides over it summarizes the discussion and reduces it to writing and calls the document a proces-verbal. So too our auctioneer who cries his sale orally until it reaches the crisis when the thing is "knocked down" to the last bidder, pauses after the adjudication to write a report of it, which he too calls a proces-verbal.

The Attorney General of the King apparently had no power to physically arrest this lawbreaker, or if he had that authority, he did not exercise it in this instance. He did indeed clear the hungry sailors out of their seats and it is likely he did not permit them to take away from that sinful place the omelette and

²Four years before (1722) Charlevoix had described New Orleans as "this wild and desert place" of "about one hundred huts."

bread, but even though he had permitted the omelette and the bread to go with them it is quite unthinkable that he permitted the water of life to follow the ousted and breakfastless customers. As we have said he arrested nobody but he shook his finger in the face of this thrice-warned and stubborn violater of the "rules and regulations" and solemnly admonished him he would hale him before the Council for condign punishment. One cannot however suppress a sentimental interest in those hungry sailors and we almost find ourselves sharing their disappointment about the bottle that had been so near and was now alas so far. It was indeed a sorrowful situation for the unhappy mariners and it does seem too bad that on this particular morning the Attorney General's severity had not been tempered by a slight thirst of his own, but perish the thought, and it may be too that his judicial eye had quickly discovered something wrong with the liquor!

Yet when everything is hoped for and said, was he not after all then and there the embodiment of the Majesty of the law and on its service? Besides, had he not been compelled to forego the happy function of that Sunday gathering in the little wooden church, where he would have sat in the high seat next the governor and below the judge? Would he not after the blessing have headed the procession that slowly made its way out of the sacred edifice? There too he would have been curtsied to and smiled at by the pretty girls and the handsome matrons decked out in their Palm Sunday finery. He would have filled his ear with the latest gossip of the little knots and groups gathered about the doorway in the cheerful sunshine of that early spring morning. In the serenity and dignity of his official position he would have meandered homeward with the wife and children to the breakfast waiting for them. His appreciation or anticipation of this meal would have been increased by the happy hour at Church and like the children he would have hastened home feeling that the remainder of this happy day was to be filled with sweetness and liberty.

Parbleu Messieurs, what more under such circumstances, would you expect of the Attorney General of the King, lost on that Sunday morning in that sink of iniquity the Cabaret of Charles Dupont and scowled at by those hungry sailors in whose bellies there was neither the fear of the King nor the love of the Lord. Verily, it was on the whole rather a temperate exhibition of the dignity of the law, and now that we know all the conditions,

shall we not applaud the Attorney General of the King for that on this beautiful Sunday in March, 1726, he smothered his wrath and refrained from violence and shook only his finger in the face of this disturber of the peace and dignity of the colony and of the religious duties and the Sunday pleasure of His Most Christian Majesty's Attorney General, in the Superior Council of the Colony of Louisiana?

But before we finally settle this question, let us recall what a very vial of wrath the Attorney General had opened on the head of this persistent malefactor. The "Conseil", with which Charles Dupont was thus rigorously threatened was the Superior Council of the Colony of Louisiana, the law court of the period and a governmental department of dignity and power. It was at that moment composed of seven quite the most prominent men in the colony. It was headed but not controlled by Governor Boishriant, just newly arrived in New Orleans from Kaskaskia, up in the Illinois where things were governed in a better way and he had besides a reputation for austere and correct living. He had taken the place of the mild and benevolent Bienville, whose hand always touched mercifully the offender, unless indeed he were his dearest enemy, Hubert, lately Commissioner of the Crown, and a nasty thorn in the side of the good Governor. The good Governor and the testy Commissioner had it is true been recalled to France, but the cabaret keeper knew further that Jacques de la Chaise would be there exercising the supreme judicial power of the Council, a stern magistrate, a very terror to all evil doers and to domestic law breakers in particular, but who nevertheless was a strong and just man who held the colony in his iron hand and piloted it through much tribulation and discord until his death four years after this Sunday morning in 1726. Charles Dupont knew also that Fleuriau himself, the dominating, diplomatic, persistent and persuasive Attorney General, would likewise sit in that audience to which he would be summoned, and that the malignant finger of his accuser would again be lifted for his punishment. There were still four others who would also sit in judgment on the cabaret keeper, and the situation was bad enough but what could he expect, having been caught red-handed while the faithful were at prayer! May we not therefore imagine that Dupont quaked in his guilty shoes on that Sunday morning in March 1726, when his door was suddenly darkened by the intruding form of the Attorney General, and as that worthy officer hustled

out the customers and quickened with indignation, the wretched Sunday law breaker must have cursed his luck and devoutly did he wish that he had not stopped up his ears while the church bell was ringing half an hour since. Moreover, how deeply must he have repented that the shortage in coffee, or an itching, covetous tavern keeper's instinct, had tempted him to put that miserable bottle before the hungry sailors in violation of the "rules and regulations of the King."

We have seen that the Attorney General's Sunday morning had been thoroughly spoiled and we know too there was no joy in the heart of the conscience-stricken keeper of the cabaret. Whether the remainder of the Sabbath served to bring balm to the zealous official we cannot say, but it is quite indisputable that Charles Dupont carried his anxiety to bed with him and doubtless he disturbed his good wife with vicious dreams of a brandy bottle riding his neck, and shrieking in his ears with a voice lamentably like that of His Majesty's Attorney General! Nor was his acute suffering assuaged by the fact that he had been permitted under the regulations to keep open after that pernicious morning visit, for what would the profits of that leaden-footed evening mean to a poor fellow faced with the certainty that the morning would bring upon his back the bailiff of the Superior Council, with the dreadful summons that would require him to explain the unexplainable before the gentlemen of that august assembly.

Do you not see him now as I see him on that sorrow-stricken afternoon, confusing his orders, serving water for brandy, and doing other extraordinary things that created astonishment in his customers, while every now and then he would return to his kitchen and rumple his white apron in his worried hands with imprecations on all minions of the law and on His Majesty's Attorney General in particular?—Perhaps, let us hope, (shall we not forgive him if he did?) let us hope that now and then he turned that bottle upside down to his worried lips, seeking forgetfulness in the oblivion that in those days (but alas not now!) would mercifully descend through that remedy upon the conscience of an evil doer.

But all things must come to an end and that dream-haunted Sunday night broke at last upon another fair morning. Every foot that fell on his threshold startled the cabaret keeper, but no bailiff came and the day wore on without his arrest, and another day, and another night in similar case had built up the

feeling in his breast that after all the Attorney General was not such a bad man; that perhaps he had only been "ragging" him that Sunday morning. And now that his mind was at peace again did he not remember how upon a certain recent occasion that worthy officer had sat at that same table with the newly arrived governor and how he, yes he, Charles Dupont, had worked his kitchen to its very best results, how when it was all over the Governor had called him in and told him, yes, he Charles Dupont, how satisfied they were and how My Lord had drunk his health, a health to Charley! And he had kept his rough hands under his apron and had bowed his respects to the distinguished company and assured them it was the happiest day of his life, and how pleased he was to have entertained such illustrious guests. Ah yes, he remembered it all now, and surely he had been over hasty in his indignation; yes he had misunderstood and failed to appreciate the real goodness of His Majesty's Attorney General. That night, of the second day, Tuesday, March 26, 1726, the heart of Charles Dupont was happy, oh so happy, and he whistled and sang and finally wrapped himself in slumber like a boy and the good wife consoled herself with the reflection that he must have heard some good news about the case and she was so happy too.

By the morning of Wednesday, March 27th, Charley had almost forgotten the miserable incident and had ceased to watch the doorway, while he bustled about his little shop, and then—out of a clear sky, so to speak, the blow fell! The bailiff was there with a paper in his hand,—and quite before Charley had his ears ready, the minister of justice was reading it to him. It was a short document but to Charley it seemed to be as long as from then to the Sunday before.

"You are notified (said the bailiff) to appear before the audience at 9 o'clock this morning and that you may not hereafter plead ignorance of this affair, I shall read it to you, to-wit: that the Attorney General represented to the Gentlemen of the Superior Council of the Province of Louisiana, that on last Sunday, the 24th of March, between 9 and 10 o'clock in the morning,"

and so on and so forth, etc., the drawling voice of the bailiff seemed to make the whole thing more hideous; the old pain in Charley's heart returned more acutely. The Mass, the bottle of brandy, the hustling out of the sailors. Mon Dieu, would it never

end? And—then the bailiff reached the prayer of the Attorney General, (and Charley thought it was a time indeed to pray.)

"May it please you Gentlemen to order the said Dupont to appear at your session, to read to him our proces-verbal of the said day, to interrogate him on what is there stated and thereafter to condemn him to such penalty as you may think proper and to prohibit the repetition of his offense under greater penalty and even corporal punishment."

At last it was over, the worst had happened. "Corporal punishment"! How he clutched at that dreadful threat; how it rang in his ears! And here we must leave the poor devil en route with the bailiff to the 9 o'clock session of Wednesday, March 27, 1726, of the Superior Council of the Province of Louisiana, for here, as is the habit of these old records, the story ends.

What happened to Charles Dupont, thrice and thrice guilty keeper of a cabaret, caught on that beautiful Sunday morning in March, 1726, serving brandy to those thirsty sailors, we shall never know, for it is not written in our records.

Our imagination, that we have so seriously over-worked, warns us not to go on. If you have been interested in the adventure, there will be no harm in trusting you to decide the case, for have we not put before you all the incidents and circumstances, and excited your sympathy and evoked your pity, after the best manner in a jury trial today?

II

JUANICO, THE GALLICIAN, AND THE GAME OF 21.

(Spanish Judicial Records of Louisiana, 1791.)

Just after noon in mid-August, 1791, the Senor Don Juan Ventura Morales, Alcalde Ordinario of New Orleans,¹ conducted a raid on a gambling game, numerous patronized by all classes and colors in a billiard hall and tavern next to the old butcher

¹Don Ventura Morales, Spanish Intendant and Contador, unenviably known to history for his intrigues against the American Domination, until Governor Claiborne forced his retirement from city and state. He withdrew only to Pensacola. His daughter, Mathilde, became the second wife of Bernard de Marigny; Morales was reputed at the time to have hogsheads filled with gold in his house. The hogsheads were found as described; but they were not filled with gold!

shop. The Judge was accompanied by the Secretary of the Cabildo, Policeman Joseph Boyabel, and Thomas Gee an attaché of the Court.

The secret precinct within which the game was proceeding was screened with curtains but these were safely passed and the representative of His Majesty, the unfortunate Carlos of Spain,² advanced to the interior room. There the hubbub of the players, sitting and standing around a table, was such that his presence was not noted until the Judge and his minions were in their midst. He raised his voice in the name of the law and the bystanders fled, negroes, mulattoes, civilians, artillery men and soldiers went pell mell to the rear and out into the back yard and over the fences, all but three, namely Francisco Livaudais, a free mulato, and Corporal Lopez of the regiment of New Orleans, and Andreas, a clerk in the apothecary shop of the Royal Hospital. But the corporal also "got away" and the net result of the raid was the colored man and the unhappy apothecary.

The game thus rudely disturbed was *veinte y una* (twenty-one), and the various decks of cards and perhaps some small change were gathered in and the mulato was incarcerated in the Calabozo. What happened to the apothecary the record does not say.

But the prince of iniquity, the proprietor of the place, was not caught. The vivid report of the proceeding says that Juanico the Gallician was among those who "precipitately fled." Juanico in Spanish for Johnny and it is scarcely to be doubted that the steady Juan (John) had not been popularized into "Johnny" without sufficient cause. He evidently was a well known character, but there were doubtless few who knew that Johnny the Gallician had a less euphonious name—plain John Friere. However on this day, probably a Sunday, (the fact is not noted) Johnny's "pull" with the police had failed him, for he received no "tip" of the coming raid until his house of cards fell in upon him.

The police took charge of the contents of the "billiard house and tavern", and gathered up the keys. An inventory was made and it may be interesting to read that Johnny's stock in trade was a demijohn of rum (not full) which is not to be wondered at considering the weather and the crowd; a demijohn of wine in

²Carlos IV, who succeeded his father, Carlos the Great, in 1788 and abdicated in 1808. The Spanish kings of Louisiana were Carlos III, in 1759-1788, and Carlos IV above.

like condition, a flask of anisette, a water bucket, five flasks (probably the property of the guests, and it is said they are still carried in these days of prohibition!) two carafes, one with wine, one funnel—a necessary implement for the flow of the rum and wine from the demijohn to the carafe—one empty bottle, emptied perhaps by the scorched lips of the players before the Law appeared in their midst, for there appears to have been no other way of imbibing it, no cups or glasses having been found. Besides the foregoing, for the solace of the gamblers, the billiard hall and tavern was furnished with three benches, two tables, one ladder (the inventory does not say where it was found, but doubtless near the fence in the back yard), one billiard table, three balls, three cues, two tin plate lamps, one mosquito bar, a mattress, pillow and woolen blanket and an old cloak, two pairs of tongs, a mallet, one empty trunk, some doors and screens. There you have it all. Oh yes, I forgot sundry packs of cards.

Then comes upon the scene Don Mathias de Alpuena, Depositorio General, who gives a receipt for these valuables and takes charge of the deserted pleasure hall. But Johnny had fled his home and has lost the comfort of mattress, pillow and blanket, where once he had rested his weary form in the happy days before the raid, and the vigilant keeper was in charge of the rum and the wine and the anisette, let up hope with no damage or leakage resulting.

Johnny had fled, but in 1791 New Orleans was a small place to hide in, and the dreadful Judge Senor Don Juan Ventura Morales had issued his fiat that Johnny should be apprehended. It was the 16th of August and the 17th and 18th passed without discovery of the fugitive, but on August 19th they got him, and Joseph de la Pena, Warden of the Calabozo (with such a perfectly suggestive name) on that fateful day signs a receipt establishing that Johnny was safely in the dungeon. That building is just around the corner from the Cabildo and though it has been somewhat modernized, we still can see that its four foot thick brick walls were sufficient guarantee that Johnny would stay there for awhile unless he greased the palm of the Warden. But it would appear that de la Pena was above such petty graft, for on August 23rd, Johnny, now dignified as John Friere, appears before the august Judge, who recapitulates and recites all the evidence and particularly those damning decks of cards and he solemnly finds the prisoner guilty of having violated the municipal laws prohibiting such games in houses of public trade and he

imposes upon the publican a fine of twenty-five pesos! And then, with great learning the Judge recites the Pragmatic Sanction of October 6, 1771, and in accordance with its terms, divides the fine into three parts, one for the denouncer, who, in this case, was Pedro Pedesclaux, Clerk of the Cabildo; one for his Lordship, Senor Don Juan Ventura Morales, and the other to the State!

The sentence furthermore declares that upon payment of the fine Johnny shall be set at liberty and the embargo lifted on his goods and chattels, but woe be unto him should "he relapse into crimes of this nature." Twenty-five pesos was equivalent at that time to a like number of American dollars of today, so it seems that the busy informer and the active judge netted each \$8.33 $\frac{1}{3}$ for their morning's work in pursuit of justice at about noon in the heat of mid-August, 1791. On the next day after the trial, August 24th, the keeper of the Calabozo certifies that

"late in the day, yesterday, at nightfall, by order of His Lordship, he had set John Friere at liberty."

Doubtless Johnny's patrons longing for contact with those demi-johns of rum and of wine, had pooled their assets and purchased the freedom of their host. Thus on the night of the day of trial His Lordship was greatly comforted in the bosom of his family at the evening meal and pondered over the sweet felicity and sublime wisdom of that clause in the Pragmatic Sanction that had just brought him eight and one-third pesos of the Spanish coin of the realm.

As to Livaudais, the free mulatto, he had no money and apparently no friends and besides was only a slow footed darkey at best. He lingered on in the Calabozo but the merciful judge, His Lordship Senor Don Juan Ventura Morales, decided that inasmuch as he had no estate from which to extract a fine he should continue in the Calabozo until Thursday the twenty-seventh of August and be then set at liberty with a caution that he would be subject to a greater punishment if he is found hereafter falling into crimes of this kind.

And so we may trust that three days after Johnny the Gallician obtained his freedom, so likewise did Livaudais, the free mulatto, but we cannot keep from wondering how Corporal Lopez and Apothecary Andreas arranged the matter, for everything in the meticulous record indicates that Justice turned her blind eye upon them, just as the policemen did when the Corporal got away in the full blazonry of the presence and the suite of His Lordship, Senor Don Juan Ventura Morales.

LUTHER E. HALL.

GOVERNOR OF LOUISIANA 1912-1916

Died Nov. 6, 1922.

*Addresses Before the Supreme Court of Louisiana, Monday,
October 2, 1922, On the Life and Character of
Mr. Hall, by Messrs. Burke,
Guion and Caffery.*

I

By WALTER J. BURKE, New Iberia, La.

Luther Egbert Hall, lawyer, jurist, statesman and an eminent type of an American citizen, has died since last this Tribunal dedicated a day to the memory of those of Bench or Bar who have yielded their task; and we have come to bear tribute to him.

It is more than fitting that the Court and its officers should pause for a moment to give thought to the lives and achievements of those who, in a common field of activities, have dedicated their lives to the service of their fellows in all the intricate relations of life, to the end that, not only their virtues might be voiced, but that these might be a perpetual reminder to the living of those qualities of mind and heart which must attend one as the guarantees of worth.

He whom we revere in memory this day, sought and attained the heights, and he left a legacy to his profession, his State and his family, which will grow in richness as we measure his work.

No one attains to great achievement in any pursuit by right of birth. The things of worth which we do and which endure rest upon deeds, triumphs and defeats, all welded into the foundation on which we build; and that which Luther E. Hall was when he died, he became because he had builded soundly.

He spent his childhood and youth at a fireside where the trappings of wealth and its enervation were unknown; but where the fortunate urge to labor was coupled with a proper sense of its dignity; a fireside typical of those of the great middle class, where the homely virtues are coupled with daily labor; where the sense

of individual responsibility, the love of virtue and fidelity to country offer the simplest but strongest guarantees to the maintenance of civilization according to our standards. He possessed an intellect greatly above the average and this was supplemented by an education which equipped him for any position to which he might aspire. His activities embraced the labors of the lawyer, legislator, judge and governor. To each he brought the splendid equipment of the trained mind, and from each he took and added to his own attainments the fruits of experience.

He was elected an Associate Justice of this Court; but before he qualified, he yielded this ambition of his life, at the insistence of a large number of citizens who deemed it necessary for him to withdraw from the quiet, though congenial avenues of his life, to enter the turmoil of a political campaign, in one of those periodical upheavals by which a people move from one station to another in the march of progress; and he was elected governor.

At the time of his death, having served his gubernatorial term, he was engaged in a contest to regain a seat upon the Bench.

In considering the life of Judge Hall, one has to measure a man who stood out distinctly above the average of mankind; a personality carved in rugged outlines and rising strikingly above any mediocre level. It does not typify the paragon of perfection. If men were perfect, needless would it be to proclaim any one's virtues; but as none is faultless, we measure the virtues which we find in the lives of men as against their faults and thus do we rate them. The faults of the strong may have the vigour of their strength, and the triumph of the better elements in them comes from a conflict which calls for greater admiration.

Judge Hall stood in body and in character and in mind as a strong and towering rock. His frailties were never suggestive of weakness or lack of force of character. His profession was of the Law. We know that he was profound in his learning; his judgment was sound, his industry was great, and he kept faith with those who trusted him; so thereby he measured to the highest standard.

Within recent times, the emergencies of his life made him assistant to the Attorney General. The readiness with which he met issues presented to him by officials, the soundness and lucidity of his opinions were a source of satisfaction and they were received as of great authority. To the functions of a Judge of the

District and Appellate Courts; he brought the equipment which marked the lawyer, but super-added the judicial poise and sense of right, which must guarantee the equitable administration of Justice. True he did not contribute to the jurisprudence of this Court because he yielded his seat at the bequest of duty; but that he was called to it, worthily links his name to that long list of Jurists whose ability and integrity are the heritage of the Court.

To devote all of one's active life or a large part of it in the judicial administration of law; to gauging issues between men; and to do so with fearlessness and justice, keeping aloof from the passions or the interests which aroused their contests, may and does develop certain virtues in the judge; but the nature of his position retires him from those other conflicts of public life which put to test almost every mental and moral force of man. While the position of the judge is as eminent as other high station, and the standard of ability and surely of integrity required, is perhaps higher, the attainment of great eminence on the Bench is in an atmosphere of serenity; and it is not here that one often finds judicial temperament knitted to those sterner qualities required in the field of political conflicts where the lull between battles is the only surcease from tumult.

While Judge Hall had the eminent equipment for the Bench, still he had that power in him which could strike the blow in battle. It may have been due to the great mental and moral force of the man; and the perfect control which he exercised over his faculties, that he was able to evoke the elements of the Judge or those of the contender in struggle as the needs arose.

It must be admitted that when he left the judiciary for a state-wide campaign and was thrown in the turmoil of political contention, the transition seemed difficult. The great tumult of a campaign, and the mingling with great crowds, under stress and strain, and in an unaccustomed manner, were manifest burdens to him. Shortly after his inauguration, he declared that the hubbub and the clamor of many, and the multiplicity of affairs so crowded upon him, that he felt his brain was filled to overflow and nothing could be added. But this was a short period of transition. He had assumed a leadership, and the legislative session had not progressed far before he had gathered his own self together; the judicial temperament was submerged, and the executive was in the ascendant. He had pledged himself to many reforms—

some of them were indeed far reaching; and he brought to this task every faculty and resource of his mind, with the result that upon the day of closure of the first session, a senator delivered an address in the Senate, holding up the platform pledges of the Governor and referring to the statute which redeemed each pledge. This was indeed a refreshing experience in politics, as well as forceful exhibition, not only of the faithfulness of the man, but the reserve powers which he possessed and which he could call into play under any emergency.

His administration of the State's affairs was along constructive lines. The state debt was refunded by him at a time when such financial transactions were most difficult. He caused the creation of a Tax Commission composed of men elected throughout the state, who organized under the chairmanship of that intellectual giant, Edgar H. Farrar, and evolved a plan of taxation on an equitable and scientific basis—which may some day offer the solution to the ills of which taxpayers complain. In a referendum its adoption was rejected under a fight led by adverse interests; but when the principles upon which it rests are adopted, and the relief it offered is received, the credit will be that of the Hall Administration. It is safe to say, whether one agreed with his measures or not, no one may fairly charge that there was hesitancy in their advocacy or in their execution. He never feared shadows. He surely never trimmed to make his policy conform to anybody's else's views—nor will any suggest that he ever announced an unsound governmental policy to gain personal support or favor. There was nothing in him out of which a demagogue could have been constructed.

Superficial men are easily known. Their thoughts and emotions easily float in shallow currents; but the minds and souls of greater beings flow in deeper channels, and are not easily grasped. So it is difficult to undertake an analysis of the character of Judge Hall with any assurance of doing justice. Each approach to his inner self revealed something for added recognition. Apparently he was cold and distant in his contact with men. That was particularly true when he first entered state wide political activities. That this was but an exterior garb, was shown by the warmth and loyalty he bore his personal friends, and it was all the more forcefully shown by the readiness with which he adjusted himself to the various ideals of life which prevail in different sections of the state. He never sought to impose his mode of living on any other

more than he would have tolerated an assault on his own views of life, readily recognizing that the same Creator which gave a perfume to one plant and another to the next, gave likewise to different peoples different expression to fundamentally the same nature. His mind was broad enough and his heart warm enough to understand all and sympathize with all. It is probably due to this that after Judge Hall had been left by that vast army of followers who generally accompany a governor to his inauguration, but leave him in isolation when his day of service is over, when he was battling with his own resources, that he began to appear in his true self before his countrymen.

There is no man in public life of whom I know, who immediately upon the loss of power, began so promptly to build a following of those, including former opponents, who realized the real worth of the man. They had seen through the cold exterior into the warm regions of his heart, and they knew his intellectual force, his unswerving honesty and sincerity. He never could shrivel his soul to make it fit behind the mask of hypocrisy. He lived in the open according to his tenets.

One may not consider Judge Hall's life without reviving the memory of the bitter and endless assaults which adversaries made upon him. A weak and mediocre man would never have called forth such assaults.

It is not because he gave greater cause for assault, but because the greater power of his personality called for all the vigour of the assailants in the effort to overcome.

Under these conditions he grew in stature. In the midst of the conflict he was the man, unmoved and unconquered, never deigning to let the assailants know that he was aware of the assault in so far as to be affected by it. Upon his retirement to private life, he was required to seek the means of a livelihood in his profession, and renewed his efforts to resume a judicial life. He engaged in these activities, bearing added responsibilities to his family, with a courage and serenity befitting his character. He appeared to trample every difficulty under foot and made them the foundation for his rise to the next step.

We are not privileged to enter the precincts of his home to stir any feelings which link the living to their dead, but inasmuch as he has placed them of record in his last will, may we not read of his simplicity, which is always an attendant to greatness, and

his tenderness of heart, which best reveals itself around the home, by recalling that he requested to be dressed for burial with his working cloths as though on a mission of daily labor; that his coffin bear no deep insignia of mourning, and that his body be placed wherever his loved ones might dwell that they might place flowers upon it.

To those who wish to measure men justly by their merits—to those who knew Luther E. Hall closely, he will always stand as a great Louisianian, and it is with a feeling, akin to the sweet sadness with which we recall the memories of our personal dead, that there is offered to the Court, the Bar and his assembled friends this humble tribute.

II

BY GEORGE SETH GUION,

Asst. Attorney General of Louisiana, Napoleonville, La.

May It Please The Court:

I sincerely trust that it may not be deemed a too bold folly upon my part if I, the humble successor of the late Luther E. Hall, in the Department of Justice, with no small sense and consciousness of my own littleness in the vast scheme of the things of men, should arise and ask to be permitted to give expression to the lame and desultory thoughts and sentiments which crowd themselves upon me at this moment.

It is with a very genuine feeling that I would give utterance to my appreciation of the qualities of him whose cares and responsibilities as one of the first citizens of this State are now safely anchored in the harbor of a kinder and better world.

Turning the leaves of mental vision and retrospection, we see him at the age of 29 occupying a seat in the State Senate, filling the unexpired term of Congressman Baird, and at the age of 31 years elected to the office of Judge of the 6th Judicial District. This position he filled with distinction and credit, and justifying the confidence accorded him by his fellow citizens, he was elected to a second term without opposition and served upon the District Bench until 1907, when he was elected a judge of the Third Circuit Court of Appeals, where he found an even wider field of activity in the profession in which he was so ably and amply gifted and fitted to occupy stations of trust and merit.

And then we see him splendidly endowed, mentally and physically, at the age of 42 years, elected an Associate Justice of this Court, the highest honor which Louisianians may in their pride confer upon one of distinction in the noblest of professions, the pardonable and worthy ambition to which he aspired, the goal of congenial labor and happiness, far removed from the perplexing environment of the school of politics.

Aye, we now behold him, when hardly had the ballots been counted which announced his election as an Associate Justice of this Court, summoning up all of his courage, strength and mettle for the supreme test which an inscrutable standard of profound and unselfish citizenship offered, yielding up the prize of his life and laurels not yet worn, hearkening to the call of many thousands of men and women of Louisiana who made this demand of him and leading them to victory in one of the most intensely contested campaigns Louisiana had witnessed in many years.

And I ask you, what mariner, with sails set for a calm and peaceful voyage, would permit his course to be diverted into the maelstrom of stormy and uncharted seas, into the very teeth of an impending and visible gale?

Truly does human society exact much of us; truly, truly did it exact much of him.

No other act of his need be consulted as a testimonial of his excellency of statesmanship, than this crucifixion of his life's ambition and well earned heritage, this full, complete and imperishable surrender to his people in the furtherance of a scheme of political conduct demanded of him by them.

Luther Egbert Hall was a lawyer of splendid ability and resourceful talents, a great debater, and a fighter, every inch of him.

Of a retiring and timid nature and disposition, the finer qualities of his character, his tender feelings, and almost child-like softness, were never felt in the contact of politics; they were muffled as he went to and fro.

Held in warm affection and genuine esteem by many Louisianians, his sad death on November 6th at the age of 52 years, the circumstances and suddenness of it, caused the hearts of just and fair men and women a deep grief.

How divinely accurate in his case is the Biblical aphorism, the eternal truth, that "in the midst of life, we are in death."

And so Luther Egbert Hall, Lawyer, Judge, Associate Justice of the Supreme Court, Governor, and good citizen, born August

30th, 1869, has journeyed beyond the far horizon where the dark clouds of political strife may no longer hide the supernal blue of placid skies.

Let us not wish that he should walk again "a cruel and bruised earth"; that he should "forfeit all his gain, of silence and of sleep"; and of him, let us utter the benediction, "Well done, thou good and faithful servant."

III

BY DONELSON CAFFERY,
New Orleans, La.

May it Please the Court:

Luther Egbert Hall departed this life on November 6th, 1922, at his residence in New Orleans, after a brief illness.

He was born on a farm in Morehouse Parish, Louisiana, on August 20, 1869, of the marriage between Boling C. Hall and Antoinette Newton.

He received his elementary education in the Morehouse Parish schools. He entered Washington & Lee University, from which he graduated in 1890, with the degree of Bachelor of Arts. He entered the Law Department of Tulane University, and graduated there in 1892.

Governor Hall married Miss Clara Wendel, of Tennessee, who with two children, Luther E. Hall, Jr., and Miss Clara W. Hall, survive him.

The public career of Luther E. Hall opened in 1898, when he became a member of the State Senate.

In 1900, he was elected Judge of the District Court, for the Parishes of Morehouse and Ouachita.

In 1904, he was re-elected for a four-year term.

In 1908, he was elected to the bench of the Third Circuit Court of Appeals, for a four-year term.

In 1911, he was elected Associate Justice of the Supreme Court of Louisiana.

After taking the oath as Associate Justice, but before sitting as Judge on the Supreme Bench, Judge Hall was elected Governor of Louisiana, for the term from 1912 to 1916.

Resigning his judgeship, he discharged the duties of Chief Executive until May 16, 1916.

It was an impressive tribute to Governor Hall that quite a majority of the leading men of Louisiana should have gone, outside of all the active political figures of the State, in 1912, and sought him out, in the semi-retirement of the judiciary, and called upon him to become a candidate for Governor.

He had just been elected to a twelve-year term on the Supreme bench.

The Governorship was not sought for, and was probably not desired by him. It was urged upon him, by the united voice of a great reform movement.

A long judicial training, such as Governor Hall's, is not calculated to fit one to be an executive, but it is a singular fact that, in each of those two widely distinct departments, he showed, in the one, as judge, the supreme gift of analysis, and, in the other, as Governor, the supreme gift of vigor and prompt action.

The Governorship is the centre of factional and political issues and considerations; and no discussion of the course of a governor could avoid resurrecting contentions and settlements that should not, by us, be disturbed; but, this, we think, should be said of the Governorship of Luther E. Hall: that, standing out above all else, is the characteristic that wherever the interest of the few conflicted with that of the many, he guided it with a sure and patriotic hand, so that the weak side of the many was safeguarded.

In the practice of law, and upon the bench, and as Chief Executive, Governor Hall, displayed qualities of mind and of character, of that high and rare order out of which moulders of law and makers of history are built.

Industry as a student had given him a thorough knowledge of his profession; and, with this acquired grasp of the law, he displayed, as lawyer and as Judge, an analytical gift, which enabled him to cut through perplexities of law and of fact, as with a surgeon's knife.

As has been justly observed by a member of this Court, there have been few such models of conciseness and of condensation, as in the pleadings of Judge Hall, and few such models of logic and argumentation as in his briefs.

The magic touchstone, by which men like Alexander Porter, and Thomas J. Semmes, and John G. Johnson, and James C. Carter, and Judah P. Benjamin, and Rufus Choate, and William

Blackstone, have made their names into stars, in the zenith of our law, has consisted of that very same keen analysis; that very same logical grouping of details into sequence and completeness; that very same throwing of the sunlight of the mind upon fettering doubts and into dark recesses; and that very same swiftness in seizing upon true relations and consequences, which we saw exhibited by our departed brother, Luther E. Hall, during his brilliant and sadly-short career.

It is, perhaps, in the field of law, and in the summation of the lives of lawyers of the stamp of Luther E. Hall, that we realize, more than in other walks of life, the truth that all high and correct minds are kin, and that they are each mouthpieces of the universal.



NEWTON CRAIN BLANCHARD.
GOVERNOR OF LOUISIANA 1904-1908.

Address Before the Supreme Court of Louisiana.
Monday, October 2, 1922,

By Paul A. Sompayrac, of the New Orleans Bar.

May it please the Chief Justice and Associate Justices of this Honorable Court:

Owing to illness of the Chairman of the Committee appointed to address this Court upon the life of Newton Crain Blanchard, the Chairman of the Louisiana Bar Association has requested me to present the resolution prepared by the Committee.

It would not be just to the people of this State; it would not be fair to the students of history, when the name of Newton Crain Blanchard was called in this Chamber today, to permit the occasion to pass without speaking of the achievements of this distinguished son of Louisiana.

Born in the Parish of Rapides, in 1849, and called to higher duty on June 22, 1922, the life of N. C. Blanchard spans a lapse of time, during which the Nation and State, affected by momentous events, underwent great changes, socially, politically, and in industrial affairs. The father of this great character, Carey H. Blanchard, was a native of Norfolk, Virginia. His mother was of old Maryland stock, the daughter of Colonel Robert Allen Crain. He received his collegiate education at the Louisiana State University, and graduated from the Law Department of the University of Louisiana, now Tulane, in 1870. In 1871, young Blanchard entered the practice of law at Shreveport, which City remained his home until the day of his death.

During the days of reconstruction, when the unconquerable spirit of sturdy men contended against the Negro-Radical-Republican Rule, young Blanchard stood and fought for the idea that civilization was the just heritage of the Caucasian race—into their charge divine providence having committed the obligation of perpetuating it. After driving from public office and power, carpet-baggers and adventurers, whose chief aim was plunder, a Constitutional Convention was called to meet in 1879, to form a charter upon which the future of Louisiana could be builded. Young Blanchard was a delegate from the Parish of Caddo, and

in that Convention attracted the attention of stalwart leaders who recognized he possessed the attributes of a statesman. The press of the State, and particularly the Shreveport Times, did him credit in speaking of him as being devoted to the work of securing for the State of Louisiana a wise, just and efficient government.

In 1880, in a democratic convention at Natchitoches, Newton C. Blanchard, on the seventy-first ballot, and before he had completed his thirty-second year, was nominated for Congress, in which body he served for sixteen consecutive years. It would be difficult to detail the valuable services rendered by Congressman Blanchard, but political writers observed the notable speech he made in the Forty-seventh Congress on the improvement of the Mississippi River, for it brought to the attention of the Nation a new epoch in legislation. He said:

"The Mississippi River: Congress has the Constitutional power to make appropriations for the three-fold object of improving its navigation, affording ease and safety to commerce, and protecting its valuable basin from destructive floods."

The New York press was hostile to the rivers and harbors bill, which was the question to which Congressman Blanchard spoke, but the Times and other leading newspapers of the Nation realized that the proponent of the measure had laid a premise which could not be ignored.

In the Forty-eighth Congress, Speaker Carlisle appointed Blanchard Chairman of the Committee on Rivers and Harbors, and he was reappointed to that Chairmanship twice by Speaker Crisp. Congressman Blanchard carried to success his plan for the improvement of the Mississippi River and the protection of dwellers in its basin. Through his persistent efforts, the stamp of the Federal Government was placed upon levees built with Federal aid to hold back the flood waters of the Mississippi River.

Though prominent in the debates of Congress, no address of Congressman Blanchard shed more light than the one he made on the Rivers and Harbors Bill, referred to above, and his address upon the message of President Cleveland, relative to the dispute between Great Britain and Venezuela.

Mr. Blanchard was appointed United States Senator by Governor Foster of Louisiana, to fill the vacancy caused by the

resignation of the Honorable Edward D. White to become Associate Justice of the Supreme Court of the United States. He served in the Senate for a short period of time, but following the election of Gov. S. D. McEnery to the Senate by the General Assembly he was appointed Associate Justice of the Supreme Court by Governor Foster of Louisiana. It may be well to state here that Mr. Blanchard never failed of election when submitting his name to the electors.

In the Senate, Blanchard was prominent and effective, though opposed to the bonus upon sugar in principle. He recognized that the planters of Louisiana worked and invested upon the promise of the Federal Government to pay a bonus upon sugar they produced, and greatly through his efforts was prevented an attempt to have the Federal Government break faith, and refuse to pay accrued bonus, thereby saving from ruin an important industry of your State. His chief effort was to have sugar restored to the dutiable list, and after a long struggle the tariff bill was amended, to the consummation of his purpose.

As Associate Justice of the Supreme Court of Louisiana, Mr. Blanchard was recognized, and this recognition stands today, as possessed of the qualities essential to render justice, unstrained, and to, also, express his views in a way to serve as landmarks of the jurisprudence of our State. After serving seven years as Associate Justice, Mr. Blanchard resigned to become a candidate in a Democratic primary election held in June, 1904. In that primary he was nominated for Governor, defeating General Leon Jastremski. This campaign was one of the most ably and sharply conducted in the history of Louisiana. General Jastremski was strongly supported, for his record as a Confederate soldier appealed to the thousands whose memory carried them back to the days of the early Sixties. The honor of success achieved by Mr. Blanchard in this campaign, in the circumstances, proved that his efficiency, his energy, and his sense of justice as a public officer had created a deep impression upon the people of this State, who again rewarded him with a democratic nomination and his subsequent election as Governor.

As Chief Executive of Louisiana from the years 1904 to 1908, Governor Blanchard manifested his belief in democracy, and his confidence, like Jefferson, in the safe and sound judgment of the people. He restored to the people the right to hold the purse strings of the State by providing for the election of assessors and

giving authority to the police juries of the State as Boards of Reviewers to equalize assessments as between individual property holders; and the creation of a Board of Equalization, standing for the State, to secure and enforce equalization and assessments as between the parishes. He aimed at economy in public affairs and, as assessments increased in value, he advocated and secured a reduction in the rate tax of the State.

Governor Blanchard was a pioneer in many important fields of government. He advocated the creation of a "Traveling Auditor," the authorization of bond issues for improvement of the port facilities in New Orleans, inheritance tax legislation, creation of a Department of Forestry, a school for juvenile convicts, pure food laws, regulation of employment of women and children, limiting the hours of labor, prohibiting minors in bar-rooms, and other important matters, as evidenced by the statutes adopted during his administration.

May I be permitted to depict the life and character of Newton C. Blanchard as I knew him, as I saw him, and as I heard him discussed? He was above medium height, though slight of build, and of clear cut features and steady blue eye. Dignity and poise were characteristics distinguishing his personality from that of many politicians. He was a statesman, as evidenced by his parliamentary career, his judicial record, and his administration as Governor. He was a politician, if a man is to be classed as a politician who satisfies the wants, wishes and views of the people he represents, but he was, at all times, a man of courage, courtesy and consideration. It can be said to his credit that though his personality sometimes gave the impression of a haughty disposition, that this was only seemingly so, as evidenced by the readiness with which the people who understood him responded to his pleas for their support.

In concluding, let me add that by the light of the camp fire, hunters saw Blanchard at his best, shorn then of the restraint of high position, the human side of this distinguished man stood out and evoked their admiration. He was a good shot, and the game he brought into camp he was capable of preparing to the delight of an epicurian.

Let us close, feeling that this great public character has rendered valuable service to his people and gone to a higher field for everlasting reward.

REFLECTIONS ON THE CAMPAIGN

OF

GENERAL ANDREW JACKSON

In Louisiana in 1814 and '15.

BY

BERNARD MARIGNY*

Born in New Orleans in 1785.

Member of the Committee of Defense named by the Chamber in 1814; ex-president of the Senate of Louisiana; Member of the Convention which erected the Territory of Orleans into a State in 1812; and Member of the Convention of 1844 and '5, which gave a new Constitution to the State.

New Orleans
Printery of J. L. SOLLEE
No. 137 Chartres Street

1848.

*Miss Grace King has translated this exceedingly rare pamphlet out of the original French from the copy carefully preserved in the library of the Louisiana Historical Society. It is an authentic contribution to the history of an exciting period in the history of Louisiana. The author was a native of the State and a leading citizen of New Orleans. He took part in everything that occurred before and after the Battle of New Orleans.

The "Reflexions" is a defense of the Creoles of Louisiana against the insinuations and inuendoes, regarding their patriotism, that were current subsequent to the battle of January 8, 1815. It is written from the heart and full of little peculiarities and side plays, particularly in the notes, and altogether it is a very interesting and absorbing document. The spirit of the original has been delightfully preserved by Miss King in her translation.

Those who may be interested in the life and adventures of Bernard Marigny will find a chapter devoted to him in Miss King's *Creole Families of New Orleans*, pp. 23-53.

Editor.

**TO THE INHABITANTS OF LOUISIANA
AND OF THE UNITED STATES.**

The public is once more being entertained about what took place at the time of the invasion of the English in Louisiana in 1814 and '15.

I have kept silent until this day for there was no lack of people to give a formal contradiction to all the scandals retailed against the Creoles, the French and the Legislature of Louisiana. Now that the cycle of death has harvested seven-eighths of those who assisted or took part in that glorious campaign; now that a new generation has replaced the one of those days, I think it is my duty, as having always been a zealous defender of the Creoles and of the naturalized citizens, to publish a few observations on the different writings which have appeared, without occupying myself with their source. Calumny is folly when it does not rest on probability.

When General Jackson arrived in New Orleans, all the inhabitants wished to fight. We know moreover that one cannot be French, or of French origin, without detesting the English domination. Our fathers had risen up in a body under M. de Galvez, to conquer, at the time of the war of American Independence, the two Floridas. We were then under the Spanish domination and all the world knows that men cannot degenerate under a republic like that of the United States. In 1812 the Territory of Orleans was erected into a state and henceforth its inhabitants were in the enjoyment of all their rights. But the desire to fight was not sufficient. There was among them a sense of uneasiness, arising from a defect of organization. Governor Claiborne was a very honest man of personal bravery, but he had not the energy necessary to give a great impulse to the population of Louisiana. Besides the government of the United States had not sent us any means of providing for our own defense. In the magazines of the United States there was not 500 guns to distribute.

Such was the state of affairs when General Jackson launched the proclamation in which he announced that he was hastening to the defense of our State. Unfortunately, in that proclamation he declared that he would not make use of the pirates who inhabited the Island of Barataria.

Never was a general received with more enthusiasm. His military reputation, his well known firmness of character con-

tributed to call forth a spontaneous movement. From all quarters, the cry was "To arms"! The whole population arose in a body. It would be impossible for our detractors to cite a single Louisianian, a single Creole, or a single naturalized Frenchman, who in the moment of danger, abandoned the country or refused to fight.

The Legislature was in session. It named without delay a Committee of Defense, composed of Messieurs B. Marigny, Rofignac, and Louaillier, in the name of the Chamber of Representatives. The old men organized themselves to protect the City and Fort St. Charles, the only fortification that existed then. This fort was in ruins and the rest of the Spanish fortifications had been demolished and the trenches filled. M. Gaspard DeBuys was named General of the Veterans. The ladies formed committees to provide all that was necessary for the wounded and to care for them; private hospitals were established. From the houses of the citizens came bed linen, lint and clothing, in fact everything that could be useful under such circumstances. The members of the Committee of Defense had asked Mr. Louaillier, one of their number, to join all the committees so as to be able to render an account to the Legislature of everything that was being done, in order that it might supply what the public generosity could not satisfy. Mr. Louaillier was indefatigable as well as Mr. Gaspard DeBuys. Never did citizens show more zeal and patriotism. The Legislature passed a resolution to remit to General Jackson all the funds disposable in the state and borrowed \$20,000 from the old Bank of Louisiana. This Bank, I think, was the only one that existed at that epoch. Silver was so scarce that, at the solicitation of the public, dollars were cut in four pieces so as to prevent its exportation and to multiply in this way the means of supplying the wants of the people. The Legislature launched a proclamation to make known the dangers of the State and calling upon the militia of the state to fly to the defense in New Orleans. From all the parishes the inhabitants could be seen coming with their hunting guns, for in this city, as I have already said, there were not enough guns in the magazines of the United States to arm the citizens. The Legislature, by a proclamation, had requested all inhabitants of the city and the country, who possessed more than one gun to put their arms at the disposition of the State and they came in from all quarters. One single citizen, Mr. Livaudais, sent in six guns. The Committee of

Defense went daily to report to General Jackson and to give him an exact account of all that was taking place. The City Council sat, so to speak, in permanence, and the mayor, Mr. Girod, displayed the greatest zeal. The Committee of Defense, accompanied by Major-General Villere, presented himself to General Jackson after his arrival in New Orleans in order to make some observations to him on his proclamation dated from Mobile, in which he declared that he did not wish to make use of Baratarians, men accustomed to the use of arms, to war, among whom were some excellent cannoniers and bombardiers. Moreover it was known in New Orleans that Colonel Nicholls, when at Pensacola, had, in the name of the English government, offered considerable sums to the Baratarians if they would unite with the English army. This same government offered a distinguished rank in its army to Pierre and Alexandre Lafitte, who were at the head of the Baratarians. The Baratarians repulsed all these propositions. The Committee of Defense thought it was its duty, in the name of the state, to use their most persuasive effort with General Jackson to destroy the antipathy that he had conceived against the Baratarians. Mr. Auguste Davezac was present at this interview, which took place at General Jackson's house on Royal Street, in the house opposite to the old Bank of Louisiana, now the Morphy house. The General was inexorable. He told us that these men are being prosecuted by the civil officers of the United States; that many of them were in prison (Dominique You and others) and that he neither would nor could do anything in the matter. The Committee retired, saddened by such a decision. Mr. Rofignac and I then went to the house of the Honorable Dominic Hall, judge of the Admiralty Court in New Orleans since 1804, a man of learning, loved and respected by the old Creoles of the country as well as by the Americans. He was the intimate friend of Judges Lewis, Mathews and Thomas Bolling Robinson, who afterwards became governor of the state. Dominic Hall, informed of what was taking place between the Committee of Defense and General Jackson on the subject of the Baratarians, told us, "I am general in these circumstances. Present at once a resolution in the Legislature demanding that the procedures against these men be suspended for four months and I will immediately give my orders to the District Attorney of the United States." This resolution was presented the next day and was passed unanimously. The prosecution ceased and the Bara-

tarians hastened to us from all quarters. They were true men of war. General Jackson was soon convinced of it and employed them with success.

This shows what was done by the citizens, the City Council, the Legislature, the veterans and the ladies of New Orleans until the 23rd of December, the day when the war really began. In what city threatened with attack has more been done? Nowhere, nowhere! Creoles, French, naturalized or not, Spanish, Italians, all the inhabitants vied with courage and zeal in coming to the defense of the country. How could the contrary be conceived? Who ignores, if it be not our detractors, that all Frenchmen were of French origin; and Spanish and Italians, have all more than an antipathy for the English domination? Our state was free, independent, and was a part of the Union and should we sacrifice such noble privileges in order to become an English Colony? What a horrible idea! When the Baratarians, who had no property, no family in Louisiana, refused all the advantages offered them by England; for no one of these men followed the English army; no one of them betrayed the French blood flowing in their veins. And to wish to make it appear that at New Orleans, among the Creoles, the naturalized, the French and other inhabitants of that time were Spies and Traitors, it is in truth too much; one must be tormented indeed by the desire to show off as conquerors, to invent such difficulties to triumph over. But these writings have produced in other states of the Union the effect that was proposed: to create the general impression that it is only due to the Anglo-Saxon race that we owe the glorious results of 1814-'15.

The affair of the 8th of January, 1815, terminated the fight. Up to that time no complaints. A tale had been carried to General Jackson on the 28th of December, while he was busy defending his line against attacks of the English. He was told that the Legislature wanted to capitulate. It is easy to understand the position of a general in such a combat. General Jackson then told Mr. Abner Duncan, who often spoke inconsiderately, to go and recommend to Governor Claiborne to assure himself of the fact that if the Legislature wanted to turn over the country to the English, to blow it up! A general on whom the salvation of the country depended, could not say anything less. What did Governor Claiborne do? Of what did he assure himself? Did he blow up the Legislature? that same Legislature whose work for

the defense of the state I have already exposed succinctly? Claiborne, fearing to take any responsibility toward Jackson, who had forbidden him to come to his camp, ordered General Labatut to place sentinels at the doors of the Legislature until he had received new orders from General Jackson.

It was about 11 o'clock in the morning when the doors were closed. I met the speaker of the House of Representatives, M. M. Guichard, who was coming down the steps. He was shedding tears.

"What is the matter"? I asked him.

"How? Do you not know?"

"No."

"We are accused of treason. The doors of the Legislature are closed by order of General Jackson."

Those who have known this good and respectable man, Magloire Guichard, a man well advanced in age, would they not say that a man must be possessed of the devil to make a conspirator out of him?

As soon as I was assured of this order, I mounted a horse and went to the line. My heart was enraged. The field was not a very agreeable one. From the Dupre Canal, the second line, to the Rodrigues Canal, which was the line of Jackson, Congreve rockets were raining down, but as I am not a man to take a step backward, when I have started, I went to the Macarty house, which was the General's headquarters. I found there only Dr. Flood, my old friend. The men of this country who have lived as long as I, should remember the big fat Dr. Flood, who had lived a long time in New Orleans and had married that beautiful Creole, the widow Lorrains. He was a severe Republican, an honest citizen, and a man in the style of Judge Matthews. After having listened to me, Flood said to me,

"In every place where there is a gathering of men, you will find liars and damned rascals. Maybe the information was given by a man who was drunk."

I remained several hours with Flood. At last the fire of the enemies ceased and General Jackson returned to headquarters, accompanied by Mr. Auguste Dayazac, one of his aides-de-camp, who is still in this world. I related to him all that had taken place in the city, and I spoke to him of the order given by Claiborne to close the doors of the Legislature. He took my hand and said to me,

"Return to the city. Reassure your colleagues. It is all a misunderstanding. I was occupied in fighting when I sent word to Governor Claiborne to assure himself that if the Legislature wanted to capitulate and in that case to blow it up."

Who has not read the letters of General Jackson to the Mayor, M. Girod? His letter to the Legislature on the suspension of its sitting on the 28th of December? What justice he rendered to the members which composed it! How he thanks them! How he compliments them on all they have done to furnish him with the means to organize his army, to save the beautiful and noble Louisiana women and to save New Orleans from all the horrors that an English army would commit, for their battle cry was "*Beauty and Booty*". Nevertheless, in spite of the flattering letter of General Jackson, the General Assembly of the state named a Committee of Investigation. Mr. Abner Duncan, called on to give his testimony, declared that he had heard M. Declouet, say: he had passed the night at his old friend's Magloire Guichard as was his habit, that Americans were making war in the Russian manner and other speeches of the kind. Declouet had probably taken for a conspiracy some words pronounced in a nightmare which Mr. Guichard might have had that long winter night. He pretended also that he had heard the names of Jean Blaque and Marigny pronounced. A. Delcouet has never consoled himself for the folly that he committed. He was a good man, honest, but with small intelligence; very much below the position he occupied. He was a colonel and had been senator. Declouet has written his defense in this affair and he speaks there of the esteem and friendship he had for Guichard. He said that he only had apprehensions and the contents of his writing proved that before leaving this world, he wished to ask pardon of God and of man for having known Mr. Abner Duncan, who, moreover was a rather peculiar personage. I knew him well. He was generous, sympathetic, a good friend, but had a bad tongue and talking always at random. He called the Creoles and Frenchmen, "*Frogs*"!

Well, let us pass now to the events that took place after the memorable Battle of the 8th of January. The English began to evacuate the soil of the State of Louisiana on the 17th. Several days later they were at Dauphin Island.

It is easily conceived the troops of the line, men who were engaged for the time of the war or for one year, and who besides

had no friends, no acquaintances, no family in New Orleans, could without murmuring, remain in the camp to protect it; but to the citizens of New Orleans it was a different affair. All of the militia residing in New Orleans wanted to return to the city. They had many privations. They wished to see their wives or their mistresses, and they wanted to relate what had been done, what they had done, what they had seen. We must not forget the special character of each nation. Before the retreat of the English army from the soil of our state, no citizen, naturalized French or of any other nation, had sought to exempt himself from fighting, but you tell me, suppose the English had returned to the attack? Well, the French and the men of other nations would again have presented themselves against the enemy. Such, is the character of the men of the South of Europe; they love war, particularly against the English, but after battle, they want to amuse themselves. We must consider that Frenchmen, Spaniards and Italians, were two leagues away from New Orleans and knew that the English army had abandoned the soil of the state.

I do not wish to be obliged to enter into useless details about what passed in New Orleans in 1814-'15. The population of Louisiana, as I have already proved, was perfectly justified by the letter of General Jackson to M. Girod, Mayor of New Orleans, and by a letter from the same General to the Legislature as to the advice he had given to Governor Claiborne to close its doors after he had assured himself that the Legislature wished to yield up the country to the English. The information of Alexandre Declouet emanated from a suspicious man who made phantoms of nothing. He exaggerated the conversation he had had with Mr. Guichard, who was worried by pressing anxieties because his plantation and his slaves were in the hands of the English.

Now let us accost the second period of the campaign. After the memorable Battle of the 8th of January, 1815, at a time when all the people of Louisiana were giving themselves up to all kinds of rejoicings, celebrating their glorious exploits—Louaillier, who had been named a member of the Committee of Defense by the Chamber of Representatives of which he was a member; Louaillier, who had rendered great services in rescuing the wounded and who had himself visited all the houses where he could procure linen and lint; Louaillier, cognizant of the manner in which a few Frenchmen had been treated, made some observa-

tions criticising the conduct of General Jackson—he was at once arrested and conducted to prison. Mr. Morel, a distinguished lawyer, who was a soldier in the Battallion d'Orleans, and had distinguished himself by his bravery in battle and who besides had a great reputation for courage, demanded from the Honorable Dominic Hall a writ of habeas corpus in favor of Louaillier. The judge gave it. At once a detachment surrounded the house of the honorable judge and he was conducted to the guard house. I went at once, very early in the morning, to see my old friend. Lieutenant Arbuckle, now general in the army of the United States, gave me permission to enter to him. Dominic Hall took me in his arms, and said to me,

"I was very sure that you would be one of the first to come to see me."

He related to me all the circumstances of that affair and added,

"I would have been dishonest as a judge if I had refused that writ of habeas corpus."

A few days later Hall was set at liberty. Louaillier passed before a court-martial.

While these deplorable scenes were taking place in New Orleans others, more extraordinary, were taking place in the Parish of St. Bernard. The reader must know that from the date of the 24th of December, the English army dominated the whole extent of territory from the Chalmette plantation to Terre Boeufs and in following Terre Boeufs to Lake Borgne; consequently all the inhabitants below Chalmette Plantation were prisoners of the English, who had the right to seize all the provisions of the inhabitants as well as the power to force them to bring it to the camps in their carts. But, instead of seizing the provisions and animals without paying for them, they paid for them more than they were really worth originally. In a word, they did what the American army did in New Mexico and on its march to Vera Cruz and until their moment of embarkation to return to the United States.

Well, after the complete evacuation of the Louisiana soil, Mr. Garic, a married man connected with the first families of the country, was arrested and conducted to the barracks for having sold provisions to the English, or under some other pretence of this nature. It was, they said, a case of treason.

An unfortunate tailor, named Horts, who was married and had children, was seized in his family and thrown in prison accused of the same thing. But, as this man did not occupy the same rank as the other, he was condemned to death. Horts was pardoned by General Jackson. All sensible men expected it. It has been pretended that Horts made himself a spy for the English. How could he be one, shut up as he was between Terre aux Boeufs and Jackson's line?

All these persecutions made in the name of the General in Chief were considered at the time perfectly useless. Their real end was to make people believe in the existence of great obstacles, so as to enhance the difficulties and consequently the merit of this glorious campaign, and to give thus to writers the wherewithal to compose a volume instead of merely several pages, as the combats commenced on the 23rd of December and where finished on the 8th of January, 1815.

Finally, peace being proclaimed, Dominic Hall had General Jackson cited for contempt of court, because he had not respected the writ of habeas corpus rendered in favor of Louaillier. The General was fined \$1,000, which was paid immediately. Every one knows in the United States where the law weighs equally on all heads, that the day on which judicial power is no longer respected in it, the republic will be menaced in its most solid foundation. The partisans of arbitrary measures wished to make great capital out of the condemnation of the General and on this account an attempt was made to pass a resolution through the two chambers of the Legislature, giving a sword of honor to General Jackson in the name of the state. But it is easy to understand that it was not a sword of honor that was intended, for the American Union and the whole civilized world proclaimed Andrew Jackson a great captain. The resolution naturally approved of the whole conduct of the General in Louisiana. His fanatics were in New Orleans. The galleries of the Legislature were filled with them. The Legislature then was sitting in an old house situated at the corner of Levee and Toulouse Streets. All methods were employed to pass the resolution—persuasions and even threats. Although personally, I had only praise for General Jackson, and although I always preserved for him friendship and esteem, I could not give my vote in favor of a resolution which would individually strike Dominic Hall and Louaillier, members of the Chamber of Representatives. My

position forbade me to act differently. My conduct in this affair did not alter in the least my relations with General Jackson and when he returned to New Orleans in 1828, he and his wife stopped with me. He was accompanied by General Carroll and Governor Houston of Tennessee. At that time I had wealth and I received him in a splendid manner and expressed to him all the satisfaction I felt in receiving so illustrious a warrior.

The Resolution presented to the Legislature passed the Chamber almost unanimously, when it was carried to the Senate. Mr. Skipwith, who presided over that body and who had filled distinguished offices under the Government of the United States, had himself replaced as President and making a speech, he proved that it would be improper to pass such a resolution. It was therefore rejected. This act of energy on the part of the Senate irritated a large number of men who had served under General Jackson, particularly those of the West, and it created powerful enemies in the Legislature. At last the General left New Orleans to return to his home. The volunteers did the same. New Orleans therefore, was left to its old population; calm replaced agitation. Louaillier continued to enjoy the public esteem. As for Dominic Hall, he always was, until his death, the object of general veneration.

Let us imagine the sensations felt by the people of New Orleans in meeting from all sides the victors of 1814 and '15. What questions were put to them! Writers sharpened their pencils. All the world knows how prolix the Anglo-Saxons are in speaking and writing. Soon the United States was flooded with pamphlets in which one could remark that in Louisiana there were traitors and spies and that accordingly, Declouet, in a conversation with the Speaker of the House of Representatives, Mr. Magloire Guichard, had learned that the Legislature wanted to yield the country to the English by capitulation. These writings produced in Louisiana no other sensation than contempt, for at this time the population who had fought was still alive. But today, when a new generation has replaced it and the same accusations are reproduced, I think that it is my duty to demolish them. It is these accusations now that we must combat:

1st. *That the Legislature wished to give up the country to the English by capitulation.* But where could we find a possibility to commit such an infamous act? The City of New Orleans was not fortified and its immense space was open on all sides. The Eng-

lish had 10,000 men in the plains of Chalmette. The Americans had about 3,500 on the Jackson line. If that first line had been forced, the Americans would have withdrawn to the second, the Dupre line, which was much nearer to New Orleans, and if the English had carried this last line, they could have been in New Orleans in less than an hour. Did they need a capitulation to enter it? Where does one find an example of capitulation with a City Council or with a Legislature? Therefore, in this accusation there is not even malice, for those that know the localities; only an act of stupidity is seen.

2nd. *It is said there were traitors in New Orleans.* How comes it that in spite of all the seeking, all the efforts that have been made to find them, no one was condemned except poor Horts, who was only guilty of having sold provisions to the English? when it is positive that he could not act differently, as he was a prisoner at the time as were all the inhabitants at Terre Bouef. Consult, question the old inhabitants of Terre Bouef. There are many living yet. They will tell you that they had to obey the victors. Have you ever heard that the Mexican Government dragged before their Court-martial citizens of the countries conquered by our armies because they sold provisions to the American army, who had the right to take them, and who, like the English at Terre Bouef, preferred to buy them. If Horts had really been condemned as a spy, Andrew Jackson, who held such crimes in horror, would have had him executed. He, who had at Mobile, shot soldiers for insubordination, would not have pardoned the infamy which would have played the role of spy and traitor. The condemnation of Horts, like that of Garic and Louaillier, should be considered only as an act attempted by the combinations of a few individuals who surrounded General Jackson. The Louisiana public judged thus at that time, but since then writers have taken hold of this question merely to make fine phrases and fill volumes.

3rd. *The French in Louisiana did not wish to fight.*

The French and the naturalized citizens of all nations covered themselves with glory. Lafitte and the Baratarians, among whom were found some men of color from San Domingo, though they had no property nor family in Louisiana and gold alone was their religion, their god, men who therefore were called pirates, Lafitte and his companions to the number of more than 800, refused the gold of England and remembering only that they were nearly all

Frenchmen, they came and fought valiantly against the English, the eternal enemies of France. If there was a repulse and a panic took possession of the troops on the right side of the River, that should not be attributed to the naturalized citizens, neither to the Creoles, who were nearly 600 strong. The Kentuckians were the first to abandon the line that was constructed on the Flood Plantation and after that the disorder was complete. In order to have a just idea of the position occupied by the Creoles and the naturalized citizens of all nations, the reader must be informed that on the 8th of January, the Batallion d'Orleans was commanded by General J. B. Plauché, a Creole of Louisiana. It was composed of five companies. Piérre Roche commanded that of Captain Plauché. The four others had as captains, St. James, Guibert, Hudri and Maunsel White. These five captains were naturalized citizens, four Frenchmen and one Irishman—Mr. Maunsel White. St. James was the Ajax of the army. In spite of his tall stature, increased by a high plume, he never bowed his head to bullet nor Congreve, and it was he who on the 23rd of December, after the attack made against the English advised General Jackson that the Rodriquez Canal was the most advantageous point to be fortified. An intrepid hunter, he knew perfectly all the localities in the environment of New Orleans. M. Latour, a Frenchman, and a student of the Polytechnic School, was one of the principal engineers of the army. Pierre Lacoste, a Creole, commanded all the men of color, but Major Daquin, a Frenchman, a Creole of San Domingo, commanded the men of color of that colony, among whom was Savary, a Creole also of St. Domingo, an officer under the French Republic and known as a man of great courage.

Davezac, a Creole of San Domingo, was aid-de-camp of General Jackson. S. Hiriart, Charles Maurian, Fauché Colson, naturalized Frenchmen, served on the Staff. Of the ten or twelve pieces of cannon on the Jackson line, six at least were served by the Creoles of Louisiana or by Frenchmen. Bluche, Bellevue, Raymond, Montegut, were Creoles. Dominique You, the Lafittes, Cadet Bouteville, Garic-Flaujac et Chevau, were Frenchmen naturalized; Gambi was an Italian. General Laronde, who had perfect knowledge of the locality, as well as Major Villere, his son-in-law, both of them Creoles of Louisiana, executed all of the orders they received from the General-in-Chief. In the 44th Regiment in the service of the United States, there was a great number

of Creoles of Louisiana, officers as well as soldiers. Lt. Col. Peire, a Creole of San Domingo, a distinguished officer, who had made the campaign in Florida, commanded the 7th Infantry of the regular army. The mortars were served by Lefevre, a soldier of the Republic under Bonaparte. The squadron of cavalry stationed in New Orleans was commanded by Chauvau, a naturalized Frenchman. Jean Baptiste Vigne, also a naturalized Frenchman, was his first lieutenant. The company of Attakapas Dragoons was commanded by Dubuclet. This company was composed only of Creoles. Finally, the intrepid Humbert, an old general of the French Republic, sought death everywhere on the battlefield and found it nowhere. All men who know how to make an analysis, find it easy to arrive at the conviction that with the exception of Generals Jackson, Carroll and Coffee, nearly all the other men most useful at that time were Creoles of Louisiana, naturalized Frenchmen, or Creoles of the French Antilles. General Villere, a Creole of Louisiana, commanded the Dupre line. He had about 1,200 men, three-fourths of them Creole militia, coming from the Parishes of St. Jean Baptiste, St. James, Iberville and Lafourche. At Chef Menteur, there were stationed great numbers of Creoles of Louisiana and naturalized citizens. The artillery there was commanded by Joseph Bosque, a Creole of Louisiana. On Bayou Barataria and at the Temple and other important points, there were more than 400 Creoles. Why then should the writers who have written of this glorious epoch of 1814 and '15 not have made mention of this general rising in arms of the Creoles and of naturalized citizens of our state? Why have they not done justice to the brave men that I have just cited? Why indeed have they wanted, almost all of them, to attribute all the valor to the Anglo-Saxon race? But, you may tell me, there were not on the Jackson line on the 8th of January but 500 Creoles or naturalized citizens, comprising among them 200 men of color. The soldier occupies the post that is given him by his general; that is his duty. It seemed to me proper, in order to exhaust this great question, to analyze the different hypotheses in which Jackson would have found himself if the English had carried his first line. Retreat would have been made to the second. Admit that of these 3,500 men who took part in the defense of the first line, 1,000 had perished, the 2,500 remaining would have retired to the second line. There, counting the 1,200, who were under orders of Major-General Villere, the army would have been superior to the army

that was found on the first line and the number of naturalized citizens instead of being only 500 or 300 perhaps, in consequence of the losses that they might have sustained, would have risen to 1,200. The 600 Creoles or naturalized citizens, who were on the right-hand bank of the River, who had been dispersed, would have joined the army on the left bank of the River. This number, added to what we know was stationed at the Villere line or Dupre line at Chef Menteur, and on Bayou Barataria, would have risen to nearly 2,500 men and in case that this second line had not held out more than a few days only, then all of the militia that the Legislature had called to the defense of the country, would have arrived. But at that time of the year, the couriers, although pushed forward by the Committee of Defense, took some time to reach the Attakapas, Lafayette, Opelousas and Avoyelles, as well as Pointe Coupee and Natchitoches. When the proclamation of the Legislature had been received in these parishes more than a thousand Creoles, strong men, great hunters, were already on the road to New Orleans, when they received the news of the winning of the Battle of the 8th of January, 1815. The Creoles of Louisiana and the naturalized citizens, then found themselves in the majority in the army of Andrew Jackson. All of these facts are proved. Why has no one made mention of them in the different pamphlets published since 1815? The reader must never lose sight of the fact that the fight commenced on the 23rd of December, 1814, and was terminated on the 8th of January, 1815. It seems to me that the writers of this glorious campaign, for the honor of Louisiana and to render homage to truth, should have entered into these details. But the fact is the Anglo-Saxon race wished to take to themselves all the glory of these great days. That race is noble and strong, active and enterprising; dangers do not count with them. No one admires them more than I do, and I have often said that I consider the American nation the first nation in the world, but they have their contrary faults. They want to take all and share nothing with any other race. One could have passed under silence and even excuses, all the great exaggeration with which they filled their account of the campaign of 1814-'15, but to load with reproaches Dominic Hall, one of the most respectable men in Louisiana, and Louaillier, a zealous patriot and a man of integrity, and wishing to find traitors and spies among the Creoles and French and to pretend also that the Legislature wanted to capitulate with the English—those are calumnies that it is now

time to annihilate. One piece of forgetfulness in all of these pamphlets shows alone all their partiality. In the history of the War of Independence, the heroism of the ladies of South Carolina is much vaunted. Well, I ask of the writers of that great period, could they not have made honorable mention of the nobility of character and the courage of the ladies of New Orleans in their zeal in procuring whatever was necessary for the sick and wounded? Why should they not have said that in a city threatened by all the horrors of conquest by a large army, no lady fled from the city? Fly! That thought never came to the mind of the Louisiana ladies. They counted on the courage of the soldiers of our army. They knew and appreciated the courage of the naturalized citizens and Creoles, who, like themselves, lived in New Orleans, and if by misfortune the first line of Andrew Jackson had been carried, more than one young lady would have assumed an Amazon costume and taken the lance. Joan of Arc, surnamed the Pucelle-d'Orleans, rallied of old the troops of Charles VII and contributed powerfully to re-establish him on the throne of France. In this hemisphere, New Orleans would also have had its Joan of Arc. Judge of the effect such heroines would have produced on the Creoles of Louisiana, above all on the men of the South of Europe who were in our ranks; men who were accustomed, not only to protect women by their laws, but to do homage to them and to cherish them. From all sides, we would have heard the cry, "Conquer or die", and this city, the capital of our state, the metropolis of the states of the west would have been saved.

In finishing this paper, I am happy to be able to say that I thank Providence for having lived long enough to be called on under these circumstances to render justice to my Creole compatriots, as well as to the French citizens and the naturalized citizens of all nations who were in New Orleans in 1814 and '15. But that which fills my heart with the greatest sensation of gratitude is having in my old age the opportunity to pay once more a tribute of homage and respect to the fair sex of Louisiana!

NOTE No. 1.

I have said in this paper that the Anglo-Saxon race, which I much admire, was aggressive. However, it has never been able to extend its domination over the Creole ladies, nor change their customs. It suffices me to cite one example.

In 1804 balls were given on Condi Street. The Anglo-Saxons, who loved to amuse themselves but differently from the races of French origin, pretended that in Louisiana, having been bought by the United States, we should amuse ourselves in the American manner, and that the Virginia reel should replace the waltz, and the jig the cotillion. Creoles, informed of these ridiculous pretences, went to the ball, as well as the French, naturalized by the fact of the cession of France to the United States. An infernal disorder arose; men were all armed. This ball had been selected to test which would carry it over the other, the waltz or the reel.

In the midst of the noise and confusion, which frightened the fair sex, who were already retiring from the ball room, a young lady jumped on a bench. She was and is still, of a family in which wit is hereditary. Her animated face expressed indignation. "Sirs," she said to the crowd of furious men, "we have been Spaniards thirty years and the Spaniards never have forced us to dance the Fandango. We do not wish to dance either the reel or the jig."

The Americans, astonished, asked themselves on all sides, "What did she say? What did she say?"

General Wilkinson, who was present, made a great effort to calm all minds. He mounted on a bench and translated what the beautiful Creole had said, and ordered the musicians to play the waltz, and to the great astonishment of the whole society, he commenced to waltz himself.

"Hurrah! Hurrah"! was cried. The Anglo-Saxons, vanquished by beauty, commenced to waltz also.

Well, it must be said in favor of these Louisiana ladies, that if the men have by their indifference and apathy, lost much of the influence that they should have in the country, the ladies have preserved theirs? Their usages have not ceased to govern the drawing rooms of the state of Louisiana. Anglo-Saxon pride has had to bow before their charms to please them and to marry them.

NOTE No. 2.

It would seem, to hear the calumniators of the people of Louisiana, particularly of those who lived in New Orleans in 1814 and '15, that this city had a considerable population. They know, however, very well that the number of the inhabitants in New Orleans in 1814 was about 18,000 souls. In this number

there were at least 5,000 slaves, because permission had been given to the immigrants of San Domingo to bring theirs in. The number of whites was not more than 13,000. In leaving out the women, this was reduced to 6,500. Of this number there must be deducted at least more than two-thirds for children, old men and invalids, as well as the daily toll of sick. New Orleans consequently, could not count really more than 2,176 men able to bear arms. There was among them 600 cannoniers at least on the Jackson line and about 600 on the right bank, plus 200 at Chef Menteur and on the Gentilly Road; about 70 in the squadron of cavalymen commanded by Chaveau, and 80 in the company of riflemen of Captain Bill. The militia had been sent to the head of Bayou St. John. To this number of men thus assigned, if we add now the officers of the staff and the English who had quit New Orleans, we approach the number of 2,176, as we cannot doubt that all of the citizens able to bear arms marched to the enemy. In this number of 2,176, the Anglo-Saxson population counted about 300 men.

NOTE No. 3.

I have often heard this question—why did not the Legislature adjourn sine die?

For answer I will say that the duty of the Legislature was not to adjourn sine die. It was necessary that it should face in every possible way the eventualities of the war. If New Orleans had been taken by the English, the Legislature would have adjourned to Donaldsonville and if Donaldsonville also had fallen into their power, the Legislature then would have adjourned to Baton Rouge. It would have called to arms all the men of the country able to serve. It would also have established, if absolutely necessary, paper money to provide for the expenses of the war. It would have done everything that the American Congress did during the war for Independence. It had to pre-occupy itself about everything, because, in arriving in New Orleans, General Jackson had declared to the Committee of Defense, that he had no money of which he could dispose and, although he was authorized to draw \$20,000 on the Bank of Nashville, he was certain that his checks would be protested.

I defy all of our detractors to cite a single example in the history of representative governments of the adjournment of a legislature when the country which it represented was invaded. In Spain, at the time of the invasion of Napoleon, the Cortes de-

clared themselves sitting in permanence. They retired from city to city until they reached Cadiz. Napoleon, who understood all the power of a representative assembly in an invaded country, made extraordinary efforts to take possession of the Island of Leon, the last possible refuge of the Cortes. In France, at the time of the two invasions by the allies, the Chambers declared themselves in permanence and were not dissolved except by the bayonets of the armies of the foreigners. In the glorious war of American Independence, Congress declared itself in permanence. There, as in Louisiana, there was a Committee of Defense, constantly occupied with the needs of the armies and having to make reports to or demands constantly upon the deliberating bodies. In representative governments, the power is in the people. It is, therefore, in the most critical moments that it should be representative. Never in the Legislature of the State of Louisiana in 1814-'15 had any member thought to demand the adjournment of the Chamber, which would have been considered as an inconsiderate act of weakness, and if such a proposition had been made, I should have opposed it. I am convinced it would have been repulsed with indignation.

NOTE NO. 4.

Jean Blanque, whose name appears in the recital of Alexandre Declouet to Abner Duncan, was born in Bearn. He came to Louisiana with Laussat, who was to exercise the office of Prefect in the name of the French Republic. He established himself and married a demoiselle Marcarty, one of the most ancient families of the country who possessed a considerable fortune. He was among the number of naturalized Frenchmen who made great efforts for the preservation of our laws and customs. Never had a naturalized citizen in Louisiana played so predominant a role. His stature was above the ordinary. He was well made. His face was oval; his beard and his fine eyes, black; his nose aquiline; his manners were the manners of a son of a good family who had never ceased to frequent good society. Add to all that, that he was always ready to draw sword or pistol. His diction was remarkable in spite of a Southern accent. His exordium invited a hearing. His narration was clear and connected. His peroration warm and filled with metaphors. It was impossible to hear him without remembering all that he had said, so correct was he. In habitual commerce with men he was patient, kind, human and serviceable. After being received as a lawyer at the bar, he

pleaded without exacting remuneration. His position in Louisiana was a handsome one; his future brilliant. In a country where the power of the word dominates, I ask all readers if a man gifted with so much intelligence, so many brilliant qualities, could have wished to ruin the state and the family to which he was allied by making overtures in order that that free and independent state might become a miserable English colony?

NOTE No. 5.

Louis de Blanc de St. Denis. I have said elsewhere that there was a question in 1812 of giving the name of State of Jefferson to the Territory of Orleans, instead of retaining its own name of Louisiana.

In a reunion held by several members of the convention, Mr. Meriam, who represented the Parish of Iberville, after having made an eulogium on Thomas Jefferson, and after having spoken of the gratitude that all Louisianians wish him for the cession of Louisiana to the United States, Meriam asked if it would not be proper to give to the Territory of Orleans the name of the State of Jefferson. The proposition having been translated to Mr. Louis de Blanc de St. Denis, who represented the Parish of Attakapas, this chevalier, worthy descendant of the St. Denis, declared that if such a proposition had a chance of success, he would arm himself with a barrel of powder and blow up the convention. There was no longer any question of it.

NOTE No. 8.

I ought to make known what had been my line of conduct in New Orleans at the time of the war.

General Jackson had been at Pensacola. He had seen there, Mr. Morales, my father-in-law, who was governor of the Floridas, who gave him a letter for me, in which he bestowed great praise on Andrew Jackson. On arriving at Bayou St. John, the General handed the letter to Inspector Davis of the Tennesseans, to give it to me. The Inspector was accompanied by Mr. Laneuville, an old officer in the army of the United States, then Adjutant-General of the State of Louisiana. I was speaking with Mr. Nathan who is still at New Orleans. We were standing at the corner of Chartres and St. Louis Streets, when Inspector Davis handed me the letter of which he was the bearer. As soon as I read it, he told me that General Jackson asked me if it would be agreeable

for him to descend at my home on the morrow and to establish there his headquarters.

I was then living in a large house near the railroad, which has since been demolished. I replied to Inspector Davis that I would receive him at my house with great pleasure, the Conqueror of the Floridas, and of Colonel Nicholls, who had maltreated my old compatriots in Pensacola and had carried away a great number of their slaves. Finally, I told him that I would receive the General the next day after the review that he proposed to make of the Battalion d'Orleans and of the Militia of the city on Esplanade Street, and that breakfast would be awaiting him. I entered at once in my home and commanded it. The drawing room of my house was spacious and nothing was neglected, in order that the reception should be worthy of the General and the officers who accompanied him. I waited therefore for the General. Towards midday, not seeing him come, I went to the rampart of Fort St. Charles, which dominated the Esplanade. There an Attakapas Dragoon, Mr. Pelletier Delahoussaye, came and told me that the General had changed his mind and that he would remain at Dr. Kerr's on Esplanade Street. I was astonished. I understood, however, that among the individuals who had hastened to meet General Jackson at the head of the Bayou, there were men whose ambitious views had often been disappointed by those who defended the rights of the ancient inhabitants of the country, and who sustained with justice that one should rejoice at being a citizen of the United States, without on that account replacing the Civil Law by the common law, without changing the names of the streets, and without giving to the state the name of Jefferson, instead of Louisiana. (So that in the civilized world we would be forced to say not "a beautiful Louisianian", but a beautiful Jeffersonian.

I thought however, it was my duty to go and pay a visit to the one who had been destined to be my guest. I went immediately to the General, to whom I was presented by my old friend, Colonel Peire, who should remember all these circumstances. The General received me cordially. I was then 29 years old and it is easily imagined that if the General had come to my house and had offered me service in his staff I would have accepted his offer. I decided to enter the staff of Governor Claiborne, who commanded the militia of the state, and there I found myself with Messrs. Octav Le Blanc, L. B. Macarty, Laneuville and others.

On the 23rd of December, the militia received the order to advance first to meet the army. Arrived before the Macarty Plantation, Colonel Chambord came to say to Governor Claiborne that the General had changed his mind and that he must go to Marigny Canal on the Gentilly Road, where he would find Lt. Bosque with the artillery. We met at the corner of Rampart and Bayou Streets the Orleans Battalion, which was coming to meet the English. Arrived at Canal Marigny, we heard the first shot of the cannon from the U. S. ship "Carolina". I addressed Mr. L. B. Macarty; and told him, "We were expected to be in the battle; do you wish that we should go there?" He consented, but the distance from Canal Marigny to the Lacoste Plantation being at least three leagues, we only arrived at the end of the battle, which lasted about two hours. We saw under an oak by the side of the road that goes through the length of the Laronde Plantation, a number of wounded who, I think, belonged to the 7th Regiment, commanded by Colonel Peire. The American army was retiring on that line. The first person that I met was Major Gabrielle Villere, and a few minutes afterwards, Colonel Peire, who told me he had been struck in the hand by a spent ball. He conducted me at once to General Jackson, who asked me what was taking place in the city. I told him that all the citizens were under arms and that General Carroll, with his soldiers, were ranged in battle order on the Levee of New Orleans. The General announced to me that the affair had been very hot.

I departed at once for the city. Mr. L. B. Macarty took the road to Gentilly to go and give the news to Governor Claiborne. As for me, I had to make known to the city of New Orleans that neither General Jackson nor those of his army had been wounded, which gave us great cheer. A few days later, Governor Claiborne handed over all the militia to General Jackson. They were placed in different commands. Thenceforth, I remained with the Legislature, where moreover I had much to do as president of the Committee of Defense named by the Chamber. I was incessantly in relation with the General-in-Chief, in order to make known to him what we could do to serve the interests of the country and to receive his advice and his commands. It can be seen therefore, that I might, like many others, wear the blue ribbon on great occasion, but not having been in the fire of the enemy, neither on the 23rd of December nor the 8th of January, I think differently. In these circumstances, as in all others of my life, the

memory of my family, which I shall only abandon in the grave, was there to direct my heart and my head. Of Norman origin, I belong to that race of men who made the conquest of England under William. In America, my great-grandfather, toward the end of the 16th century, was with Bienville in the war against the English and the Iroquois. He came to Louisiana with Bienville and commanded in New Orleans in 1728, where he died. His son, my grandfather, a French officer, made the campaign against the English in upper Canada in 1754, which was terminated in 1763. My father was aide-de-camp of General Galvez. He made the campaign which drove the English out of Baton Rouge, Manchac, Mobile and Pensacola. Those who know me know that I prize the integrity of my name a hundred times more than life. I have proved it in sacrificing a considerable fortune in order to transmit it noble and pure as I received it. Nevertheless, I was named by A. Declouet in his conversation with Abner Duncan, as being among those who desired that the country should become an English colony. The esteem of my fellow citizens and of that of the deliberating bodies, among whom I sat almost consecutively from the age of 21 years, give a formal denial to the allegations of Mr. Alexandre Declouet against me.

New Orleans, 13th November, 1848.

I publish with pride the following Resolution of the Senate of the State of Louisiana.

BY THE SENATE.

RESOLUTION.

Resolved unanimously by the Senate of the State of Louisiana, that the justice and impartiality which characterized the conduct of Honorable Bernard Marigny, during the time that he fulfilled the important functions of President of the Senate, give him a right to the esteem and respect of this body, and as to the gratitude of its members as well as to the good wishes they express for his happiness.

Resolved further, that this testimony of their sentiments be presented to the Honorable Bernard Marigny by the Secretary of the Senate.

Passed by the Senate on Monday, 18th March, 1822.

J. POYDRAS, President of the Senate.

J. CHABAUD, Secretary of the Senate.

The author of this pamphlet having several times appealed to the memory of Colonel H. D. Peire, deceased on the 2nd of this month, I declare that the MS. was given to me on the 15th of last November.

New Orleans, 10th December, 1848.

J. L. SOLLEE, Printer.

(Entered according to the Act of Congress in the year of 1848 by Bernard Marigny in the Clerk's office of the District Court of Louisiana.)



WAR AS I SAW IT

1861-1865

By Frank L. Richardson

INTRODUCTION.

The publication of this Civil War memoir of the late Frank Liddell Richardson (written by him in 1885) affords an opportunity to review briefly some of the incidents in the life of this well-known veteran.

He was born in Woodville, Miss., July 8, 1843, but a month later his parents returned to their plantation home on Bayou Teche, in St. Mary Parish, Louisiana, and practically all of his life was spent in this state.

To comparatively few men is it given to serve equally well in several capacities, but Mr. Richardson achieved this distinction. At his death, December, 9, 1920, at the age of 77, he left behind him a memorable record—as soldier, lawyer and politician.

Mr. Richardson was twice married and he is survived by two daughters, both teaching in New Orleans, one at Newcomb and the other in the public schools. His second wife also survives.

It was in the role of soldier that young Richardson first won his laurels. When war between the States was declared in '61, he was in his sophomore year at Centenary College, at Jackson, La., but like many other youngsters of that troublous period, youth was not a hindrance to service in the South's great Cause. And, certainly, it was not a hindrance, but rather an incentive, in making him a "soldier of fortune" too, for he had the unique experience of rendering service in three branches of the army—the Infantry, Artillery and Cavalry.

Young Richardson first enlisted in Company G (St. Mary's Volunteers) Thirteenth Louisiana Infantry of the Confederate Army, and in his Memoir, he recounts with vivid simplicity the hardships of army life and the first thrills of battle in that Company.

His next branch of service was in the Fifth Company of the famous Washington Artillery. The gallant Infantry company, in which he had enlisted, was almost decimated in battle and the surviving soldiers were transferred to other companies. Richard-

son had fallen seriously ill and had been sent to an army hospital. On his return, he was transferred to the artillery.

In April '63 he was discharged as unfit for service, due to a return of his former illness. But the end of the war was not yet, so, as to be expected, a mere discharge could not keep this young veteran out of the fray. It didn't. In about three months, feeling somewhat recovered, he reentered the service, this time joining the Second Louisiana Cavalry, raised at Iberville, La., in which branch of the army he served until the end of the war.

As a mark of affection and esteem, the title of "Captain" was bestowed on Mr. Richardson by his friends, but it was ever a point of pride with him that he went through the war as a private in the ranks.

Following the close of the war came the dark days of reconstruction when men took up the harder struggle of upbuilding homes and businesses that had been laid in ruins.

Law was the chosen profession of Richardson and in this field he achieved marked success. Graduating from the old University of Louisiana (now Tulane) in 1870, he was admitted to the bar and began the practice of his profession in New Orleans, which continued for fifty years. His first partnership was formed with J. D. Coleman, under the firm name of Richardson & Coleman. This was followed by Richardson & Magruder and finally became Richardson & Soule.

As a lawyer Mr. Richardson attained a high standing in Louisiana. He was identified with many prominent cases and his success in handling them earned for him an enviable reputation and the respect and esteem of his friends at the bar. He brought to his work a wide knowledge of law, the gift of a keen, logical mind, and he used careful, precise methods in the preparation of his cases.

Though he enjoyed a large practice, he still found time for public service, and no summary of the state's political history of the last half century would be complete without mention of his work.

In the movement that culminated in the battle of September 14, 1874, on the levee in New Orleans, Mr. Richardson was one of the captains who organized the White League and he rendered valiant service in that memorable struggle.¹

¹My Recollections of the Battle of the 14th of September, 1874, by Frank L. Richardson, 3 Louisiana Historical Quarterly 498.

In 1876 he was an active member of the campaign that placed Governor Nicholls in the gubernatorial chair and he also served as confidential adviser to the Governor, both at that time and in the campaign of '88.

The famous Anti-Lottery fight also had his support. He took a leading part in this struggle in helping to free the state from that evil.

During the yellow fever epidemic in 1878, Mr. Richardson was among the foremost workers in the humanitarian work of relieving bereaved families. He served as Chairman of the Central Relief Committee which had the work in charge.

In 1880 Mr. Richardson was elected to the General Assembly from the twelfth ward in which capacity he served a four-year term. One of the problems of that Assembly was putting into effect the Constitution of 1879 and in this work Mr. Richardson rendered valuable service. He was the author of the "Fee Bill" for the courts and other offices in New Orleans, and this bill, No. 136 of 1880, still stands as a credit to his legal talent, in that it has scarcely been changed, save in minor details, since its enactment more than forty years ago.

He was one of the original five members of the Examination and Disbarment Committee of the Supreme Court of Louisiana, created in 1898. The business of this Commission was to examine applicants for admission to the bar and to investigate charges and, if necessary, to prosecute disbarment proceedings. He held this office for several years.

Last, but not least, the members of the Louisiana Historical Society will esteem the memory of Mr. Richardson as one of the last survivors of the reorganizers of the Society of 1877. His last public appearance, outside of the courts, was at a meeting of the Society.

But, prominent as was the place held by Mr. Richardson in his public and professional work, it is not altogether because of this that he will be remembered. His memory will also live as a man—upright and true and with a gift for "following the right as it was given him to see the right." In his passing his friends lost a genial spirit and loyal comrade, dowered with a warm nature, ready wit and pleasing manners.

WAR AS I SAW IT

1861-1865.

PART I.

By Frank L. Richardson.

"To my little son, Frank. He will learn from this record the hardships through which his father passed and will appreciate the blessings of peace."

On the 22nd of August, 1861, I joined the St. Mary Volunteers at Fort Berwick, St. Mary Parish, La. I had started from home alone to join the army in Virginia, but met the captain of this company at the Brashear City Railroad depot, and learning from him that his company was about starting for the seat of war, fell in with him.

On the 27th of August, 1861, we arrived at Camp Moore, and I wrote home that I "was now fixed off in my tent with a hard plank to sleep on, and a soft knapsack for a pillow, was well situated, and looked for no better accommodations while I was a soldier in the ranks, fighting for my country."

Little did I dream what was in store for me. Had I been just promoted a Brigadier General, I could not have felt prouder of my position, that of a private in a regiment of city roughs.

I had read of the wars of the Greeks and Romans; of great deeds of heroes in battle—of campaigns through distant countries—but strange to say, it had never occurred to me that there was any great difference between the officer and private. I supposed that we were all soldiers, and that there would be no distinctions made, except in the way of keeping order and leading in battles. I soon discovered my mistake.

INITIATION INTO CAMP LIFE.

13TH LOUISIANA INFANTRY.

On the 4th of September, seven days after arriving at Camp Moore, La., I was placed on picket guard about a mile distant; while there, was exposed to the rain and was taken sick in the evening with chill and fever. I then began to soliloquize, "This keeping

*This memoir was written in 1885. The beloved child to whom it is dedicated died before reaching manhood.

guard at night don't agree with me, especially when it rains; the life of a common soldier is a most hard and tough one—it is a great deal worse than that of a common field hand. But these commissioned officers, they are just like the owners of slaves on plantations; they have nothing to do but strut about, dress fine and enjoy themselves; their tents are placed far away from ours, as if they were made of better clay and they would be contaminated by the touch; they feast every day on the choicest food, while we dress in coarse gray clothes, badly made, and are fed on fat salt pork and hard bread; and what is worse than all, we have to handle filthy pots and kettles, and bring logs of wood on our shoulders. I never did such things before. I felt degraded yesterday, when I was detailed to help the cook and had to bring a dirty log of wood on my shoulders and pass by the Officers' tents. I could see they were looking at me contemptuously as they sat on their camp stools smoking their cigars. I know some of them too, and they were no better than I was. There I was, the son of the owner of a hundred slaves, bringing wood and water for the cook of the company. Then, too, I am placed in a thin little tent, not large enough for two, with eight others. It didn't any more keep out the heat than so much gauze. The officers have large double wall tents with flies upon them—one tent for two officers—and they have nice iron bedsteads and tables to eat upon. I must say I did not expect this, but I am fighting for my country and must be promoted from the ranks. It is not soldierly to buy a commission. A friend advised me when in New Orleans to buy one, but I scorned the idea.

A sick soldier is the most miserable animal on earth. I speak from experience, for the last three or four days I have been one of those helpless, pitiful creatures, a sick soldier. I have been laid up with the diarrhoea principally, a bad cold and sore throat, and fever and chills, and something like the itch. How I wish this war was over. There ain't a bit of fun in it. I wouldn't object to being at home again in the least; to sit in clean chairs on a nice floor and to have my seat again at the table, with the good things on it to eat, is what I would like. A clean shirt and underclothes would feel comfortable. I undertook to wash my white shirt yesterday in the creek. It was covered with powder and grease. I found out that I did not know how to wash and after trying for sometime, threw the thing away."

On the 10th of September, 1861, we were mustered into the service of the Confederate States for the war. Only two men refused to do so. We considered this meant about six months. General Tracy, who was in command of the camp, declared we would whip easily twice as many Yankees; our company numbered about eighty. The Regiment was the 13th Louisiana.

All of the companies, except our own, were formed in the City of New Orleans. The field officers were Randall L. Gibson, Aristide Gerard and Anatole Avegno. Steve O'Leary commanded the senior company, called the Southern Celts. The discipline was strict and the officers exacting.

It was a long time before I could become accustomed to guard duty. On the 16th was stationed on guard on the railroad. The main object, of course, was instruction. I thought that the worst post had fallen to me. The sun poured down on me at midday, and at night I could not keep awake. My watch was between 12 and 2 o'clock. I was so tired and sleepy that I could not prop my eyes open. I first sat down on my post, which was against orders, and finding that my eyes were involuntarily shutting, I propped them open with my hands, but even this did not succeed, and the first thing I knew I was fast asleep. The lieutenant of the guard stepped up just at this inopportune moment and aroused me. Hardly thinking that I had been asleep, I jumped up and presented bayonet, demanding the countersign. The lieutenant then in a very stern voice informed me that I had been caught asleep at my post; that the penalty was death, but he would let me off that time. I was then eighteen years old and this was the first time I was ever obliged to keep awake at night, except when I used to go out on coon hunts on the old plantation. For four years thereafter I walked my post as a soldier, but I did not fall asleep again.

On the 23rd of September, 1861, we took our departure from Camp Moore. This camp will always live in my memory as the hottest, most uncomfortable camp I have ever known. The lives of the prisoners at Andersonville were something like ours here.

The suffering too, was as great to many, for many sickened and died at this miserable place. It was located near the railroad track, about a mile from the Tangipahoa depot. The only shade was that afforded by tall pine trees. These trees seemed to engender heat. The red sandy soil looked parched and baked.

For the first time in our lives we were fed on salt meat and tack bread, and were given limestone water. The fly tents or

their pieces of canvas did not shelter us from the hot rays of the sun. The raw and inexperienced boys from the country parishes, who had been accustomed to regular habits and vegetable food at home, were attacked by diarrhoea, and became generally debilitated.

The measles broke out among the members of the 19th and 17th Regiment encamped near us, and the mortality was very great. Those who came from the city were better able to stand the change, owing to the fact, that in the city they were more accustomed to changes in diet and irregular living. There was, besides, a dull monotony in our lives in this camp that rendered our situations very much like that of the soldiers in prison. It was more like a camp of destruction than instruction.

CAMPING AT CHALMETTE.

The welcome orders to depart at last arrived. Instead of going to the seat of war in Virginia, as we had hoped to go, we returned to New Orleans, and were encamped upon the old Chalmette battle ground just below the city. Company G, to which I belonged, was soon after stationed in the old U. S. barracks.

Here we passed time away in the mode common to old and new soldiers, that is doing guard duty and playing poker. Few people know how universally this game of poker is played among soldiers and what a passion it becomes with them. Out of every hundred soldiers, there are at least ninety-nine poker players. The day does not afford time enough, and all night is frequently devoted to it. I have seen men on the battlefield while resting from a charge, spread out their oil cloths and commence this game. When passing by a tent at the dawn of day, I have seen infatuated poker players at their cards by the light of a tallow candle stuck in a bayonet used for a candlestick. I have seen young men of refinement and education become so infatuated with it that they sickened and died in hospitals from mental and physical exhaustion.

WINTERS QUARTERS AT COLUMBUS, KY.

On the 23rd of November we embarked on the steamer "John M. Morrison" for Columbus, Ky., where we arrived in about a week. On the last Friday in November of 1861, we arrived at Columbus, Ky. The great battle of Belmont had been fought just before our arrival. We felt grievously disappointed at not being there in time to take part in it. Our friends in the 11th Louisiana

and other Louisiana regiments camped there were exultant. We listened with admiration to their descriptions of their performances—how thick balls fell around them; how they charged and put the enemy to flight. We feared that the war would end before we had a chance to take part in it. Little did we then know what the future had in store for us.

It was shivering cold the morning we arrived. Snow covered the ground, and being from a warm latitude, we were unusually sensitive to it. Our company, with several others, was quartered in a large tobacco factory. The cold wind blew through the open windows and cracks in the floor, so that it was agreeable by no means. The first night, somebody stole my fine, warm blanket, which I had brought from home. This prompted the reflection that some of the men in this regiment were the most scientific stealers I had ever known. They could steal anything and hardly ever be found out. Coming up on the boat my other best pair of pants and all my underclothes disappeared. These must be some of the practical jokes of my comrades in arms.

A few days after, we went into camp on the outskirts of the town of Columbus, near the Mississippi River. We prepared for winter quarters.

Numbers cut down trees, split them into clapboards and made complete cabins. Others dug pits in the ground and pitched their tents over them. I constructed a dwelling place in the latter mode. A pit was dug in the earth about eight feet square and about five feet deep. The tent was then pitched over this and a trench made around it. In one side of the earthen wall a fireplace was cut and a chimney was made with a barrel lined with mud. Here we were quite warm and well protected from the cold wind and rain of winter. There were frequent alarms and rumors of movements to take place, but there was little more than this to relieve the monotony of life in winter quarters.

On the night of the 7th December, we did have a little adventure that made us feel as if we were getting into business. About eight o'clock at night, when fathers and mothers at home were perhaps sitting around their firesides thinking of their absent ones, when I was stretching out my few blankets to go to rest, one of the boys came running in, saying, "Make haste, we are going to have a fight."

I seized my musket and started to fall in ranks, when Captain Lassalle, the Quartermaster, told me I was detailed to stay and

assist in guarding the camp, while the others went out to the fight. I told him there was very little glory in that, and I did not leave home for that purpose. Many of the boys, hearing that I was to remain behind, gave me all their valuables, telling me where to send them if they were killed—some of them letters and messages to their sweethearts.

At the last moment, I determined to get permission to go. I told Major Avegno my fix and he granted my request. Giving some one else the articles that had been left to me, I shouldered arms and fell in line.

Our Colonel made a short speech, informing us that "Louisiana was looking down upon us, and every man was expected to do his duty."

We went across the river in one of the gunboats, and got off about nine miles up, in the direction of Cairo. As soon as we had formed line on the Missouri shore, we thought we saw the cavalry of the enemy right in front. The officers gave the commands in whispers, and we squatted, cocked our guns and took aim at what we thought was the enemy, each one singling out his man. Instead of kneeling, I sat right down in the mud. We expected the enemy to fire first, and I thought it would be just my luck to be hit, for when playing at school, I was always the first boy hurt. I tried to get behind some fellow, but they were all crouching so low that I couldn't hide a foot. My thoughts ran back to my home, and I am not certain but that I said, "Now I lay me down."

After waiting in this position some moments we made the discovery that the moving objects in front of us were a large number of harmless sheep. This caused a laugh all around.

We then marched about two miles into the country to lie in wait for some 500 cavalry, which our scouts said would be there. The night was an unusually dark one. We came up to what appeared to be a fortification. Our officers knew all about it, (they always pretend they do and look mysterious) but we knew nothing more than what we thought we saw in the darkness. Pickets were thrown out. A gun was to be fired by the pickets in case they saw the enemy approaching.

Soon a gun was fired. Expectation again rose on tiptoe. The click of the cocking guns could be again heard all along the line. "Aim low" was the order. Investigation discovered that our reliable guard had fired at a pig near his post.

At daybreak, we found that there was nothing in our front but an old farm house with a high fence around it. We then set out on our return to Columbus by the way of the Belmont battleground. All along the road could be seen dead horses, pieces of torn and burnt clothing. And the trees and bushes showed marks of the recent conflict. These were objects of great interest then. Time came when they ceased to be novelties, and we ourselves turned many a peaceful vale into battle-scarred ruin.

Coming along back to camp, we took two prisoners in handsome style. Though they were not soldiers and were frightened to death at being brought before our magnificent Lieutenant Colonel, yet they might have been spies, and we might need them as guides.

After returning to camp we felt a little more contented with the share of the war we were getting. We had seen some service, and we had something to talk about as well as those Eleventh Louisiana and Dick Stuart's Battery boys.

We constructed earth works and forts, with a view to holding this point against the enemy, who were quietly massing a large force to invade the Mississippi valley. This would have been the Vicksburg of the war, but Bowling Green and Fort Donelson fell, and on the 1st of March, 1862, it became necessary to evacuate.

INCIDENTS ON A LINE OF MARCH.

Marching orders were issued by General Polk. We hastened to break up our winter quarters. Our fine tents were carefully folded and knapsacks were packed with everything we could get into them. Haversacks were filled with three days' rations; but after filling the knapsacks there were still many blankets and cooking utensils that could not be carried. These articles were placed on a transport to be taken to Memphis and preserved for us—but alas! there were but few of these valuables that we ever saw again. Perhaps some other soldiers made use of them. We learnt better after a while, and found that the nearer we approached the condition of the ancient philosopher, Diogenes, who drank water with his hands and threw away his cup because it was unnecessary baggage, the better we were suited for the life of a Confederate soldier.

Not having wagons to carry our tents, they were set on fire and burnt up. The large tobacco warehouse, in which was stored

large quantities of army supplies, was also burnt and the supplies with it. Here the boxes of ammunition were stored, and we only saved these by bringing them through the smoke of the burning building. I was on this detail under Lieut. Armand Dubroca, a gallant officer. We barely had time to get the last box out when the whole building was enveloped in flames. This munition was placed in the few wagons we had, but it was only conveyed a few miles when about one-half was lost by the wagons breaking down.

It was reported that the enemy was advancing from Bowling Green to cut off our retreat, and consequently we hastened our departure. Our regiment was the last infantry to leave. A regiment of cavalry served as the rear guard.

The retreat was commenced on the 1st of March. It was a cold and rainy day. Our knapsacks were very heavy and they became wet. Pretty soon we began throwing them away and the road for miles was strewn with our worldly gear. I thought I would save mine and got it into an ammunition wagon, but unfortunately, the wagon broke down and its contents were blown up. In this knapsack were all my letters from home; my little Bible that had accompanied me during my school days and in my travels, and that was intended to serve as a kind of talisman from the enemy's bullets.

We slept the first night on the road side without tents or blankets. This was our first bivouac. The night was very dark, the woods very wet, and we privates did not know what moment the enemy would attack us.

I was detailed to go back and see after those wagons. Some one loaned me a horse and a lantern. I rode back several miles, holding up the red lantern, and peering into the darkness, until halted by the pickets and returned.

The next day we arrived at Humboldt station. Here our advanced guard had failed to put the whiskey out of the way and many of the regiment got wild with it. The guard turned out and bucked and gagged a number.

One powerful fellow rushed into the dining room of the hotel where the officers were dining, and asserting his independence, attacked the first one he came to. With wonderful skill he parried the bayonet and sword thrusts made at him, and rushing for the worthy captain of the Southern Celts, O'Leary, threw him against the window sash, smashing it to pieces. Here he was overcome by the number that fell on him, and he was taken out

and put in irons. This man was Brannigan, who lived to do good work in many a battle. The liquor shops were all very carefully closed thereafter on the approach of the 13th Louisiana.

On the morning of the 5th we were ordered up to Union City, but returned to Humboldt, Tenn., after staying there a day and a night. Here we were joined by General Cheatham's forces, and together we numbered about 7,000. The numbers scattered along the railroad from there to Corinth were magnified to fifty thousand, but the soldiers in the ranks knew very little of what was going on outside of their regiment.

On the 20th of March we left Humboldt by railroad for Henderson, a station about eighty miles distant, where we stopped two or three days, then, taking the cars again, we traveled to within a short distance of Corinth. This distance was not over forty miles, but we were a night and day traveling it, as the roads were so crowded we had to move slowly. We did not succeed in reaching Corinth, but camped on the roadside about three miles from it.

CAMPING WITH THE CONFEDERATE ARMY AT CORINTH.

After a week's stay, we marched to a point about a mile and a half above the town near the railroad track. All the Louisiana troops were camped together. Louisiana was certainly well represented. I counted ten regiments of them, besides a great many independent battallions and ninety day organizations. I thought then if the enemy whipped us here, with so many fine Louisiana troops, we will be driven to the wall, or will probably have to seek another country to live in.

Here I met many of my old schoolmates, friends and acquaintances. That splendid 4th Louisiana Regiment was encamped right next to us, and the Crescent Regiment and the Orleans Guard were close by. The 4th particularly made a gallant parade with its handsome uniform and fine regimental band. I saw some of the wealthy gentlemen who were privates in the Orleans Guard loading and unloading wagons. One of them was my neighbor when at home and the owner of one of the finest sugar estates in St. Mary Parish. He had left wife, children and home to serve his country. This was Carlos Grevemburg, who, a few days after, attested his zeal for his country's cause by giving up his life. They were all in fine health and spirits, and went into the work with their whole souls.

The Crescent Regiment, composed of first-class city gentlemen, was working with spade and shovel on the fortifications. They went at it a great deal more willingly than many in our regiment who had been used to it all their lives.

I went over to see some of the boys of the 3rd Louisiana, Colonel Louis Hebert's regiment, camped some distance below us. They had seen some service at Elkhorn, and were looked up to as old veterans.

There was near them the 1st Louisiana Regulars, Dan Adams, Colonel. These were the professionals. They were a determined body of men, and but few of them survived the war.

This was the first time we had ever formed a part of a great army. The camps were scattered for over seven miles along the railroad. The whole world seemed to have pitched tents at this place. We could form no idea of the numbers, but had we been told that there were 150,000 it would not have seemed incredible. There were in fact about 59,000 men present and absent. The effective force was 40,335.

Corinth was a small village, located at the junction of the Mobile and Ohio and Memphis and Charleston Railroads, and about thirty miles south from Shiloh Church, on the Tennessee River. A large creek, with long sloping banks, almost encircled the encampment, thus forming a natural fortification. The water from the creek served for bathing and drinking purposes. The water obtained from the wells was limestone. We scarcely had time, however, to observe this long to be remembered camp, when we were ordered to prepare to march.

This was on the second day of April. We marched on to Monteray, a little village about midway between Corinth and Shiloh Church. On the evening of the 5th, (Saturday) we reached the vicinity of the Federal camp. We in the ranks had no idea, of course, where we were; what the order of battle was, or who was commanding our division or corps. The number of the enemy opposed to us, and of our own forces we did not know.

The whole army had been brought together but a few days before, and had just been brigaded, divisioned and corpsed. We found that our own brigade was commanded by Colonel R. L. Gibson, and was composed of the 13th Louisiana, 4th Louisiana, 19th Louisiana and the 1st Arkansas. The division by General Ruggles, and the corps by General Bragg, with General Albert Sydney Johnston in command of the whole.

The regiments were drawn up in double column at half distance and stacked arms for the night; no fires were allowed to be lighted and no noise was permitted. It was certain that we were on the eve of a great battle, and we looked forward on the morrow to nothing but a victory; one that would soon put an end to the war. It was said, too, that a blue ribbon would be given to each man that distinguished himself, and not a few of our company expected to get one.

THE FIRST BATTLE—SHILOH.

In the morning at daybreak, we were awakened from the heavy sleep of the weary soldier, formed into line and put in motion. Soon we heard a quick fire here and there caused by our skirmishers driving in the enemy's pickets.

We passed the body of a man just killed. I looked in that man's face with interest, and it occurred to me there would be many more lying like him before the day was over.

The sudden booming of the cannon began to deaden the sound of the smaller arms. Soon the roar of battle began to be heard. It sounded like a great thunder storm that shook the whole earth. We struck the enemy's camp and we added our mite to the deadly clamor of the morning. The enemy could be seen running away and firing as he ran. Evidently he did not have time to form.

A battery opened on us and killed five of our Zouaves at one shot. We moved on it at double quick and carried it. Then we halted to align with the other commands. Over the ground was scattered a number of the dead and wounded of the enemy and a large number of Belgian rifles and cartridges. We exchanged our own inferior muskets for these.

A young officer handsomely dressed in a uniform that looked like that of the Federals, mounted on a fine horse, galloped towards us from the front, holding in his hands a Federal banner. Instantly some of the men of the Fourth Regiment, taking him to be one of the enemy, fired on him. He and his horse fell, pierced by a dozen bullets. They discovered too late that they had mistaken a friend for a foe and had killed Captain Vertner, of the Tennessee troops, who had captured a flag and was returning with it in triumph.

We were then marched to attack the enemy, who were said to be concealed in the woods in our front. Our Brigade advanced in two lines, the rear line being about fifty yards from ours in

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front. The ground was very uneven and was covered with a growth of scrub oak so thick that you could scarcely see to the end of the company's line. We were well drilled and were constantly trying to reform our broken lines.

Soon the enemy, from their places of concealment, commenced to fire into us in an irregular manner. We found it impossible to keep in line; a part of us moved forward over a lot of fallen brush. Suddenly a heavy volley was poured into us, and the bullets came crushing through the fallen brush and woods. Strange to say we all fell over backwards, but most of us got up next moment unhurt, and returned the fire. The enemy kept themselves concealed, and we could only tell where they were by the blaze from their musketry.

While we were engaged on the right centre, the Fourth Louisiana, under Colonel Allen, was heavily engaged on the left. They had moved up on ground more open than ours and the destruction in their ranks was very great. The enemy, (Prentiss's and Wallace's Brigades) were entrenched on an eminence on the opposite side of a small creek, a branch of Owl Creek, near the bark road.

I looked to the left and saw Colonel H. W. Allen with elevated sword urging his men to stand firm. His chin was bleeding from a wound just received. There too, was my schoolmate, I. T. Hilliard, a captain in the Fourth, commanding his men to rally and stand firm—when he fell dead, struck in the breast.

The dead and dying were lying about us. We thought that if they would only order us to charge we could carry the works—but supposed it was not practicable for other parts of the Brigade to do so.

We were ordered to fall back. In the confusion we took it for an order to advance, but it was repeated from mouth to mouth that we were ordered to fall back. We did so, halted, and formed near an old cow-pen, a short distance in the rear. Some of the men carried off the wounded in blanket stretchers.

We learned afterwards that this interval was used in trying to get General Bragg to send us a Battery of Artillery to shell our opponents in their works. Colonel Allen (afterwards our Governor) rode up, and explaining the situation, General Bragg said, "Colonel Allen, I want no faltering now." Feeling bound to obey orders, without asking the reason why, again we were moved into this place and were again driven back.

A third time we advanced to the charge; on this occasion Colonel Gibson commanding, the Brigade proceeded to the right and assisted Colonel Fagan of the First Arkansas to lead his regiment to the assault. While leading them, his horse was struck by a ball in the centre of the head and fell dead across a part of a rail fence in front of him. We found ourselves in nearly the same position as at first, and crossing the creek in front, moved up the ridge on the other side, sought the best positions we could for firing at the enemy. For the third time, we were driven back.

My comrade, James Muggar, was on his knee by my side, firing at the enemy behind their logs; he turned and said, "Our men are falling back, we are getting between the fires." When stooping, so as to get under the fire, I ran back; looking for him, I found he had not followed. A minnie ball had passed through his eyes, striking him blind.

In retreating, I came up with a member of the Fourth. He was an old schoolmate, and was known as the bravest and strongest boy at school. We stopped and agreed to make a stand. We did so for a time, until every one seemed to have passed. When we started to follow, I soon missed poor Bailey Stuart; he was among the slain.

A Battery was at last obtained and set to work on this place. Patton Anderson's Brigade and the Crescent Regiment of Pond's Brigade, aided by a Regiment, two Battalions and a Battery from General Trabue's Brigade, were sent to attack it on the left flank, while we advanced to their right.

The Federal commander, Prentiss, with his whole Brigade of 2,000 men, were then captured. Wallace was killed. This was accomplished by General Chalmer's Brigade getting in his rear, and Patton Anderson's Brigade and the Crescent Regiment and part of other Brigades getting in on his left. This position is called in history the "Hornet's Nest." Before it was attacked by us, we found out afterwards, that two other Brigades (Hindman's and Stewart's) had made fruitless assaults upon it.

Our casualties amounted to fully one-fourth of the regiment. General Bragg said of this place in his report: "Here we met the most obstinate resistance of the day, the enemy being strongly posted with infantry and artillery on an eminence, behind a dense thicket. Hindman's command was gallantly led to the attack, but recoiled under a murderous fire."

It was now three o'clock. There was a lull in the firing all along the line. Our Brigade halted and rested for a short time. Parties came along and gave us the news from other parts of the army. The enemy had given way at all points. It was whispered that Sydney Johnston had fallen, but we didn't know how true it was. Some of us talked of the scenes we had just been through; others started a little game of poker.

After remaining here about an hour, we took up our march, for the enemy was reported to be crowded together on the banks of the Tennessee River. The road by which we went was a broad, well worn country road. We didn't know the name of it. It, however, passed close by the scene of the struggle in the "Hornet's Nest".

While waiting for other commands to come up, I stepped aside from the line of march and went through that place with the Surgeon of the Regiment, Dr. Goodloe. The sight was the most horrible I have ever seen. The musketry had set fire to the dry leaves and grass covering the ground. The fire had burned all the clothes off from the dead bodies that lay thick around. Their hands had been drawn up as if in imprecation. The flesh had been burned from their set teeth, giving them a horrible grin. Some of the wounded laid near by in a low place surrounded by shallow water. They were crying out from thirst. We gave them water. One poor fellow who couldn't raise his head asked me to see in what part of the body he was shot, saying with a smile, "I expect I am done for." He was in fact. I wanted to look up the bodies of some friends, but the regiment was ordered to march on.

We reached a wide open plain; formed line and started for the river, when the gunboats of the enemy opened on us with their mortars. The roar of these cannon was grand and terrific. As it was the first time we had ever been under the line of mortars, it was startling. They were, however, elevated too high and could not have done much damage.

Just then a staff officer from General Beauregard came galloping up and stated that General Beauregard, who was then in command, ordered us to fall back. Though a good deal fatigued with the day's fight, we thought it strange we should be called back at this moment when the enemy were making their last stand on the river.

It was just before sunset. We faced about and moved towards the enemy's abandoned camps in the rear. We passed from an open field into a wood that laid in our way. The gunboats were shelling these woods. Trees were split open and great branches cut down. The shot and shell that passed over our heads in the plain fell here, and crashed through the woods.

We dodged from tree to tree; one man got behind what appeared to be a large tree. A solid shot struck through it and tore the man on the other side to pieces. The tree was hollow. It was about dusk. The shell and shot looked like shafts of lightning, cutting through the forest. The roar was like that of many thunder claps breaking over the head at once. We got beyond the range of these guns, into the Federal camps on the other side. The stars began to shine out; the shells continued to burst over the woods behind us long after we had laid down to rest. The dead of our foes were scattered over the camp ground.

As I looked back with mind full of what we had passed through, and saw the peaceful stars looking down on this scene of fraternal strife, it seemed that man had made it a hell on earth.

Little did we know that this short truce would turn the fortunes of war against the whole Confederacy. Our cause was lost from that hour.

After remaining here for a short time, we moved to another encampment some distance off and occupied the enemy's tents for the night. Though it might well be imagined we were tired and were affected by the sights we had passed through, we could not refrain from examining the contents of the tents and looking over the letters which had been written to our opponents; candles were lit and bayonets used as candlesticks.

It was after midnight when a heavy storm of rain came up. We were in comfortable tents, but many of the wounded men were out exposed to it. We went to sleep thinking that on the morrow we would complete the victory.

On Monday morning, early after breakfasting upon the provisions of the enemy, of which we found an abundant store, we fell into line and took our position again in front of the foe. Exactly in what part of the field this was we did not know, for we knew nothing of the country whatever and nothing but the firing told us where the enemy lay. It was unpleasant to think that after making so many narrow escapes on the day before, we were obliged to renew the conflict.

The enemy commenced to advance in force, showing that he had received fresh troops during the night. The firing from the enemy's artillery was heavy, and we witnessed an interesting duel between the two sides for some time.

At about 10 o'clock our Brigade was formed with that of General Chalmers'; General Beauregard, seizing the colors of one of the regiments, called on us to follow him. This was done with a yell and the enemy were driven back. Our color bearer, Roger Tenmure, a desperate character, who firmly believed he was not born to be shot, (nor was he in fact, as will be hereafter related) sought every opportunity to carry the colors forward in the most exposed positions, and would stand there with a perfectly composed look until we came up.

After driving the enemy back; at this point we found ourselves pretty well out of ranks. I don't know how we got mixed up. A heavy force of the enemy, said to be under General Nelson, appeared on our right in an oak forest.

There was no use in our standing in an open field, exposed to their fire. I started toward them, waved my hat, hurrahed, and our disordered crowd, ready to go anywhere, followed. We gained the woods; the enemy fell back. As we got up, I saw one of the Federals, who had been firing from behind a tree, step out and wave his hand in token that he surrendered. Our men, either not understanding, or not caring, levelled their guns at him. Our Adjutant and myself shouted, "don't fire," and knocked up some of the muskets; but in spite of this, the poor fellow was riddled with bullets almost at the same moment.

The enemy, who had fallen back, rallied and commenced returning our fire. We sought the shelter of the trees. The enemy's shot seemed to patter on the other side like rain, and it looked like certain death to leave. We had to press on, however, and we formed again around the colors, which were held up by that indifferent color-bearer, who looked with scorn on a man that would dodge a bullet, pressed to the centre; moved forward, but upon our left, the enemy advanced in a heavy dark, solid column. There was a moving mass of blue in that direction. Some one said, "We are flanked". It was evident that we would be captured if we did not get away, and we did so at a double quick.

Going back, I found our Major, Steve O'Leary, wounded, and I gave him a helping hand. The Confederate Guard Responce, in handsome gray uniforms, marched bravely by us, some of them

saying, "Let us get up there; we will show you how to stand." Pretty soon they came tumbling back, just as we did. We found that Buell's 20,000 fresh troops were crowding upon our forces that had been reduced to a very small number. At this point our brave major, Anatole Avegno, was mortally wounded and was removed from the field.

The regiment and Brigade was scattered, and we fell in line upon a position taken upon the crest of a slight elevation just in front of Shiloh Church. Here the remainder of the army congregated. The artillery was arranged along the line and poured a heavy fire into the mass of blue coats in our fronts and a steady fire was kept up by the Infantry. I looked back and saw a great number of stragglers and demoralized soldiers who were being urged to come back and fall in line anywhere. Here an officer on horseback would exhort and appeal like a preacher at a revival, and here a fierce Commander would draw his sword and threaten to kill a straggler if he didn't go back to the line.

Around us was a number of Tennessee troops. I didn't know a single man of them. The brow of that hill was a dangerous place and every stump that afforded the least protection was in demand. I think I counted twenty behind a small stump arranged behind each other. The protection was only imaginary. These Tennesseans, clad in their dark yellow butternut uniforms, had on that day rushed bravely to death on many parts of the field. I remember distinctly passing a spot where they had charged a battery. Far along the hill side could be seen their dead bodies, impressing upon me the thought, "How cheap is human life."

I took my stand among these men, who, though strangers, were engaged with me in a common cause. It occurred to me, "If I fall here, there will be no one to tell the story to those at home."

Our artillery seemed to break the ranks of the enemy more than our musketry. They could be seen wavering at every discharge of grape and canister, and a hearty cheer would ring along our lines. This was about two o'clock in the day. Our commander, General Beauregard, found this a favorable opportunity to draw off our forces, who were too much reduced in number to resist the large reinforcements which the enemy had received from Buell. It is estimated we had about 8,000 men at this point. It was impossible for any one to count them.

A new line was formed a short distance in the rear, upon a slight elevation. Portions of our lines in front were moved back

to this second position. Many stragglers were gathered there. Finally the whole of our first line was massed here and prepared for action. Hardly any two men of the same company or regiment were together. I met a member of my own company and asked where the company was. He thought they had all been killed but himself. There were many members of other commands, each thinking himself the sole survivor. They afterwards found that they had simply got mixed up. On this last position we confidently expected the enemy to advance, thinking that he knew of our weakness.

While lying down waiting for the advance, we talked over the situation. The man next to me was separated from his friends as I was. He wrote out his name and handed it to me, and desired me, in case he fell, to give it to his cousin, General Polk.

The enemy, however, were doing the same thing that we were; that is, waiting for an attack. It was by this time about four o'clock.

(Continued in April Issue.)



RETIREMENT OF FRANK A. MONROE,

CHIEF JUSTICE OF LOUISIANA.†

January 2, 1922.

Remarks of Mr. W. O. Hart before the Supreme Court of Louisiana, on January 2, 1922, in connection with the presentation of a loving cup given by the Bar of Louisiana to the retiring Chief Justice.

May it Please your Honors:

I have been delegated by members of the Bar of Louisiana to say a few words on the occasion of the retirement from the Bench, of the Chief Justice, which to me is a very great privilege, because the Chief Justice was on the Bench when I began the practice of the law, now nearly forty-four years ago, and the first case I tried in a District Court was before him in the old Third District Court, when my opponent was Judge Fernandez, who is here present to-day; I shall now address my remarks as I proceed, particularly to Chief Justice Monroe.

Though on January 9th, 1917, we celebrated the fortieth anniversary of your judicial career, we have since then granted a rehearing and now believe that you should be considered as a member of the Bench of Louisiana beginning November 22nd, 1872, when you ascended the Bench of the then Third District Court for the Parish of Orleans, to which you had been elected by a vote of the people on November 4th, 1872, and therefore, you are now in the fiftieth year of your judicial career, retiring from the Bench, so to speak, at the time of your "Golden Jubilee."

We believe that whether we take the dates '72 or '77, you have the longest record of Judicial service in the United States, and it is with pain and sorrow that we see you leave the Bench.

Of the members of the Bar of New Orleans, in 1872, but fourteen remain, besides yourself, as follows: Paul Capdevielle*, C. F. Claiborne, Max Dinkelspiel, G. Fernandez, Sr., J. C. Gilmore, J. D. Hill, F. D. King*, A. J. Lewis, Charles Louque, H. G. Morgan, Henry Renshaw, C. McRae Selph, E. K. Skinner and C. L. Walker.

†We regret that the touching response made by the Chief Justice on this memorable occasion was not reported stenographically. The retiring magistrate's remarks were oral and he has not attempted to reproduce them. He was deeply moved by the events and the large and sympathetic audience was equally affected.

ED. LA. HIST. QT.

*Died since this address was delivered.

Of the Bar of 1877, besides yourself, there are twenty-two others, those above named, and the following: J. C. Baker, John Bassich, Jr., Charles Carroll, A. E. Billings*, E. H. Farrar*, L. L. Labatt, Hiram R. Steele, and H. C. Warmoth; and of the twenty-three, it is remarkable that thirteen are or have been Judges. Eight are now Judges: yourself and Justice Baker of this Court; Judges Claiborne and Dinkelspiel of the Court of Appeal; Judges King and Skinner of the Civil District Court, and Judges Renshaw and Labatt of the First City Court.

Among the others are Judge Steele, formerly of the Superior Criminal Court, now practicing law in New York City; G. Fernandez, Sr., formerly Judge of the Second City Court; Judge Walker, formerly of the Second City Criminal Court, and Judge Billings, formerly of the Fourth Recorders Court.

Others who have acquired distinction in public life are Gilmore, Hill and Louque, who have been members of the Legislature, as has also Judge Walker, and Mr. Farrar, who was elected President of the American Bar Association in 1910. Mr. Capdevielle is now serving his fifth term as State Auditor, having previously been Mayor of New Orleans and a member of its School Board; H. C. Warmoth was elected Governor in 1868, he since has been a member of the Legislature and a member of the Constitutional Convention of 1879 and Collector of the Port of New Orleans for four years.

Since the celebration in 1917, several others who were members of the Bar of 1877 and who were or became Judges, have passed to the Great Beyond, including Edward D. White, Chief Justice of the United States, Judge Don A. Pardee of the Second Judicial District Court of Louisiana, and the United States Circuit Court and the United States Circuit Court of Appeals; Judge Frank McGloin of the Court of Appeals; Judge Frank D. Chretien of the Criminal District Court; Judges W. T. Houston, H. L. Lazarus, and T. C. W. Ellis of the Civil District Court, and Judge H. H. Price, of the First City Court. Judge Houston was also Judge of the First Justice Court and the Fourth District Court.

Many other members of the Bar have passed away since then including Mr. Carleton Hunt, the Nestor and the scholar of the Bar, Captain F. L. Richardson, one of the comrades in arms of yourself, Charles T. Soniat, Ernest T. Florance, Charles F. Buck and William Grant.

*Died since this address was delivered.

Of those above referred to besides Mr. Richardson, there served with you in the Confederate Army, Capdevielle, Hill, Lewis, Louque, Morgan, Selph, Walker, White, McGloin, Ellis and Price, while Warmoth, Billings, Grant and Pardee served in the Federal Army.

Your Judicial Career is most interesting and I might recapitulate it as follows: Elected Judge of the Third District Court for the Parish of Orleans, November 4, 1872; ascended the Bench November 22, 1872; forcibly removed by order of P. B. S. Pinchback (who by the way died on December 21st, 1921), claiming to act as governor, December 17, 1872, again ascended that Bench January 9, 1877, and served until the court was abolished by the Constitution of 1879, July 31, 1880.

Appointed Judge of the Civil District Court by Governor Wiltz for four years and became a member of that Court on its organization, August 2, 1880, serving until March 23, 1899; re-appointed by Governor McEnery in 1884 for eight years; re-appointed by Governor Foster in 1892 for eight years; became Presiding Judge of the Civil District Court, August 2, 1888, serving until you became Associate Justice of the Supreme Court.

Appointed Associate Justice of the Supreme Court by Governor Foster and became a member of the Court, March 23, 1899. Elected Associate Justice in 1906 for the twelve year term beginning April 5, 1908; became Chief Justice under the provisions of the Constitution of 1913, March 31, 1914. Re-elected in 1918 for the twelve year term beginning April 5, 1920.

You hold commissions from the first four Governors of Louisiana after Reconstruction Times: Nicholls, Wiltz, McEnery and Foster. You were the first Justice of the Supreme Court elected for nearly fifty years, and you were the only Chief Justice ever re-elected except Edwin T. Merrick who was chosen by the people in 1855 and 1860.

That you have well and faithfully performed the duties incumbent upon you is known to all men, and when we reflect that never, since 1876, have you had an opponent when you were appointed or elected, in your last two elections having no opponent even in the Primaries, it will be conceded that the people were satisfied with you.

Your judicial career by no means embraces your life of activity. For four years you were in active service as a private in the Confederate Army; were an honored member of the Bar

before you became Judge, and it is some satisfaction that though we lose you as a Judge, we welcome your return as a brother, or should I not say as to some of us, a father, in the law.

The people of this State can never forget your work in the Anti-Lottery Campaign and the number of lawyers who were taught by you in Tulane is almost legion.

Therefore, I may say, as soldier, lawyer, citizen, teacher and Judge, you have left your mark on the history of this State, and when all of us who are here to-day are gone and forgotten, your record will be a beacon light to those who may come after.

Words at best are trite! Actions speak louder than words! What we do, rather than what we say, shows the measure of our responsibility and how we have met it. Your words, in the reports of the State covering a period of nearly twenty three years, represent in permanent form your actions in passing upon the lives, liberty and property of the people of this State.

Excluding your first election, your term of office as District Judge and your term of office as Supreme Court Justice are almost the same, a little over twenty-two years to each, and of the twenty-two years you have spent on the Supreme Court, half was spent in the Old Court Room in the Cabildo and half in this new and imposing Court Room.

You leave the Court full of years and full of honors, voluntarily, because the retirement provision of the Constitution could not apply to you before 1932; and when you leave the Court, I am sure that every member of it will feel that he has lost a guide, philosopher and friend.

Your memory will ever be enshrined in our hearts, and I wish every one here could express his feelings on this occasion, but we have all joined together in asking you to accept from us this golden loving cup, and I will ask Mr. J. Z. Spearing, the President of the Louisiana Bar Association, to read the inscriptions thereon, and on behalf of the members of the Bar of Louisiana, present the Cup to you.

EDITOR'S CHAIR.

THE COLONIAL ARCHIVES OF LOUISIANA.

The work on the judicial archives of Louisiana during the French period has been pushed vigorously ever since 1921 when through the generosity of a well beloved citizen of New Orleans, the Historical Society was enabled to start the examination and classification of these much neglected muniments of local history.

The Quarterly has cheerfully given space to the publication of the text and translation of these documents, choosing in all instances, those that would illustrate some phase of life, as it is reflected in the work of the legal tribunals from 1717 to 1769. Among these the reader will recall the great lawsuit of 1724 over the drainage problem, which left such permanent marks on the public policy of Louisiana, (Ceard's Case, 5 La. Hist. Qy. p. 155). Another instance is the complete file of a prosecution directed against a suicide's corpse, (Servinien's Case, 4 La. Hist. Qy. p. 290) wherein the student finds all that is needed to show the forms and methods pursued under the criminal law of that period. This is an absolutely new subject in our history.

The Quarterly will continue to publish material of this kind and in each instance will select some interesting feature so that ultimately the historian of the colonial period will find in our printed files all that would be needed to rewrite the many sided private life of the people of French and Spanish Louisiana.

In the current number we begin to make similar use of the Spanish judicial records which run from O'Reilly's arrival, 1769, to the transfer to the United States in 1803. These Spanish Archives are, if anything, even richer in documents than the French era, and relatively they are of greater importance because the Spanish judges absorbed the legal theories and the methods of procedure of their French predecessors, and thus passed on into our territorial period the substance of a century of life under settled principles of law.

Indeed, now that the French and Spanish court records are open for study, the Quarterly is literally in the presence of an embarrassment of riches. It can rely on this mass of papers for a continuous supply of material whose educational value is beyond appraisement. Our pages should reflect more of this, and would do so, save that our strength is limited, there are only three con-

stant workers in this field; two of these are bound to tasks that must go on until the work in hand is finished, the other is the writer, and, like his associates, he too has duties that cannot be put aside.

We toil along on the translations stealing hours from work and rest for the edification of our readers and in the service of history. Thus it is that we reach again the point we have so often emphasized, the neglect of the schools of Louisiana to teach the value of the study of these archives. Every high school, college and university in the state should enforce on its students the value of personal research in this field. There they would find the foundations of the structure we now live in, and though their studies produced nothing for publication, they would be educated in respect for their country and they would understand and maintain the heritage that colonial Louisiana bequeathed to them.

**THIS NUMBER
OF THE
QUARTERLY.**

The opening of the sixth year of continuous publication finds the Quarterly full of vigorous life and happy too because it has created a body of loyal readers who indicate their interest in our welfare in many kindly ways. To all of these we repeat the welcome for their letters and encouraging messages and we court more of them, particularly those which open up new subjects and make suggestions for the recovery of historical material.

There is something for every taste in the new number. You will find family history spiced with anecdote and adventure in the "Nicholls Family in America." A quaint sketch of "New Orleans and Bayou St. John in 1766," will give you local color that is still to be found along the banks of the Bayou. Almonester's Spanish Will should interest the legal student and its fine translation should be read by everybody because it is a unique reflection of the religious and other meditations of that curious old era.

There is a gleam of humor in "Episodes of Life in Colonial Louisiana" which must surely light up the reader and yet leave him unprepared for the denouement. There is also that caustic review by old Bernard Marigny of the campaign of General Jackson in New Orleans. You should read this if only for the stories he tells, but you will find more than that in the torrential

heartbeats of the old veteran in the defense of his people—the Creoles of old Louisiana.

We recommend also "The War as I Saw It" by the lamented Frank L. Richardson. These reminiscences of a boy's adventures in the Confederate army were written for another boy, his son, and it was purposely cast in a running colloquial style, the veritable gossip of an old veteran sitting before the fire telling stories of adventure. But it preserves more than this. The children of to-day will find here the names of many a scion who upheld the holy cause. The author glances here and there at these soldiers in action, or falling on the field, or enduring their hardships in wretched hospitals of that time.

The excellent reviews of the lives of Governors Blanchard and Hall and the account of Chief Justice Monroe's retirement, bring the Quarterly's annals quite up to the hour so to speak, and when you have tired of this, you will find great entertainment in the Indexes of the French and Spanish court records with which this number closes. Last but not least Miss Grace King's report of the meetings of the society should interest everyone for the writer puts much of her heart into this work.



RECORDS OF THE SUPERIOR COUNCIL
OF LOUISIANA

XVIII

(Continued from October, 1922.)

July 11, 1738. **Agreement** entered into between Sr. Louis Cheval
(9877)
(2304)
fo. 10. and Brasset, who is married to the widow of
Sr. Daniel, agreement to be the same as that
passed with Sr. Daniel, and the heirs of one
party not being able to contest the rights of
those of the other party.

Signed: "Labrosset," "Brosset," "F. Gal-
hok," "Cheval," "Roumier," "Henry."
(2½pp. water stained.)

July 12, 1738. **Letter of Rullierd to P. Rasteau.** Has received
La Balise. letters and will deliver the same, "God helping."
3pp. Reference to missing lumber, some of which was
No. 38⁸⁵. carried off by the sea. He has been obliged to
See 38⁷⁹. draw flour supply from Mr. Voisin; also some
38¹²². salt and bacon. There was a northwest gale
on July 2, 3, 4.

Expects to sail tomorrow, the weather propi-
tious.

Wind is now fresh S. E., with rain.

July 12, 1738. **Petition to Mr. de Salmon, Commissary of the**
Marine, Ordonnateur of this Province and
First Judge of the Superior Council, by M. de
Chavannes, for permit to sell the negroes he
wishes to dispose of, no opposition being possi-
ble as he has liquidated his debt to the Com-
pany of the Indies.

Signed: "De Chavannes." Dated July 12,
1738.

Permit to sell on condition of observing re-
quired formalities. July 15, 1738.

Signed: "Salmon."

July 12, 1738. **Letter of Tardy to Mr. Mossu, Jr., Living in the**
N. O.
1p.
No. 38⁸⁶.
See 39⁴. **"Blind Alley of the Recollects," La Ro-**
chelle. Allusions to their business affairs and
some transactions with Mr. Rasteau.

Writer is about to return to Illinois.

Outer edge torn away.

July 14, 1738. **Following Mr. Salmon's Order** to convene a family meeting to consider Jean Baptiste Vivareme's request that he be declared of age to see to his own affairs, said Jean Baptiste Vivareme reports to Sr. Salmon that he has had his relatives cited to meet before him. (Enumeration of relatives and degree of relationship, and their opinion thereon). Emancipation granted and order of homologation of same given.

Signed: "F. Saucier," "Tisserant," "Fr. Rivard," "Branton," "Guillon," "Raguet," "Gassien" +, "Salmon," "Henry," Clerk of Council.

July 15, 1738. **Petition to M. de Salmon** by Sr. de Chavannes for permit to sell negroes, no protest being possible as he has liquidated his debt to the Company and has no private debts.

(9903)
fo. 10.

Signed: "De Chauvannes."

Permit to sell after publications prescribed by law.

Signed: "Salmon."

July 15, 1738. **Acknowledgment** by Thomas Chauvin, voyageur, of debt of 623# 19 sols due to Sr. G. Perry, for merchandise furnished him from Perry's store, and promise to pay said debt next April, 1739.

(9896)
(2369)

Signed: "Thomas Chauvin compagnie," "Roumier," "Thomas Tespetamet," "Henry."

Acknowledgment of having received the sum of 243# on said bill, July 15, 1738.

Signed: "G. Perry," "Henry."

July 15, 1738. **Liberge Thomas Lesperance** acknowledges his indebtedness to Pery, merchant of New Orleans, to the amount of 700# 18s which he obligates himself to pay in April of the coming year, on return of the convoy from Illinois, by act passed by notary, in the presence of witnesses. Liberge declares that he cannot sign not knowing how to write.

(9899)

(2370)

fo. 10.

Signed: "L. Thomas Lesperance," (foregoing signature written by the same hand as the body of the document). "F. Galhok," "Roumier," "Henry."

(9900)

Below this document follows receipt given by Sr. Gerard Pery, countersigned by Henry, chief clerk of the Council, for the sum of 700# 18s on October 3, 1739.

Signed: "G. Pery," "Henry," clerk of Council.

July 16, 1738. **Francois Gallard**, acting for minor children of
(9907) Sieur and Dame de Coulange, as their tutor,
(2372) accepts Sr. de Grandpre's promise to pay for
fo. 10. house purchased from said succession, for the
sum of 1000# next spring, and for security of
said debt he hypothecates his movables and
immovables and furnishes bond, and is thereby
allowed to sell a lot owned by him.

Signed: "Gallard," "Grandpre," "Roumier,"
"Lenormand," "Henry."

July 17, 1738. **Before Notary Royal Marie Tourney** acknowledges
(9912) in the presence of the undersigned witnesses,
(2374) that she owes 200# to Dizet, a ship carpenter,
which she promises to pay to him in a year, and
for security of said debt, she hypothecates the
few immovables and movables she still owns.
She declares that she does not know how to
write nor sign and the act is signed in the
minutes by "Henry," and the witnesses, Rou-
mier and Gallot.

This copy is signed only "Henry."

(9915) On reverse page of this document, Certificate
signed by "Henry, chief clerk of the Council,"
of having remitted to Francois Dizet, 200#
cash from the heirs of Marie Tourne, widow of
deceased St. Andre. Dated October 16, 1738.

July 17, 1738. **Acknowledgment** by Jean Baptiste Beaupre of a
(9920) debt of 855# to the Company of the Indies,
(2376) which he promises to pay to Sieur Dumanoir
fo. 10. through Sr. Buchet who is the agent of the
Company in Illinois, the said sum on his arrival
in that country, and for security of this debt.

July 17, 1738. **Debt of 1500#** due to the Company of the Indies
(9922) by Michel Vien, for security of which he hypothe-
(2377) cates his movables and immovables.

Signed: "J. B. Faucon Dumanoir," "Rou-
mier," "Henry," clerk.

(9923) Approval of previous agreement by Salmon
Commissary of the King for the affairs of the
Company of the Indies.

Signed: "Salmon."

(This document is water stained and almost
illegible.)

- July 18, 1738. **Petition to M. Salmon by Marie Francoise Le**
(9935) Vert; wife of Michel Vien, of Illinois, for permit to sell lot and cabin thereon, which sale she is authorized to make by her husband, whose power of attorney she holds. The proceeds of said sale are to be turned over to the Company of the Indies to liquidate their debt to the Company.
Signed: "F. Jahan," "Marie Levert's + mark."
- July 18. **Permit granted on condition of observing**
(9935) formalities prescribed.
Signed: "Salmon."
- (9935) July 20. **Certification by Marin Lenormand,**
sheriff, that all required formalities have been complied with.
Signed: "Dausseville," "Lenormand."
- (9936) July 21. **Without resigning his rights as**
creditor, Dausseville withdraws protest entered against above sale.
Signed: "Dausseville."
- July 18, 1738. **Louis Roy Acknowledges His Indebtedness to**
(9934) M. Faucon Dumanoir, Agent of the Company
(2378) of the Indies, for different sums, which he
fo. 10. promises to pay in six months, and for security of which he hypothecates his movables and immovables.
Signed: "Faucon Dumanoir."
(9925) Approved by the Commissary of the King for the affairs of the Company of the Indies.
Signed: "Salmon."
- July 18, 1738. **Louis Roy Acknowledges a Debt to Mr. Faucon**
(9924) Dumanoir, Agent of the Company of the Indies,
(2378) of different sums, and promises to pay in six months, and for security of same he hypothecates his movables and immovables.
Signed: "Faucon Dumanoir," "F. Jahan," "Roumier," "Henry," notary.
Approved by the Commissary of the King for the affairs of the Company of the Indies.
Signed: "Salmon."
- July 19, 1738. **Bill for Cargo Shipped on "La Reine des Anges,"**
(9916) to Sr. Benoist, amounting to the sum of 1856#
(2375) 2s, due to Sr. Bancio Piemont, which sum
fo. 10. Benoist promises to pay on return of convoy from Illinois and for security of said debt he hypothecates his movables and immovables before notary, in the presence of undersigned witnesses.

- Signed: "Louis Giscard, socalled Benoist,"
 "F. Galhok," "Roumier," "Jaffry."
 (9918) (Dated May 30, 1739). Receipt signed by
 "Bancio Piemont" for 500# and moreover
 1362# from Sr. Benoist through Sieur Beauvais,
 which payment cancels Sr. Benoist's debt.
 Signed: "Bancio Piemont," "F. Jahan,"
 "Roumier," "Henry," notary.

- July 20, 1738. **Before Notary Royal of this Province**, agreement
 (9926) passed between Mr. de Salmon, Commissary of
 (2379) the Marine and Jean Dulude, with the consent
 and in presence of M. Bizoton, Comptroller
 of the Marine, that during the month of July
 of next year, 1738, said Dulude binds himself to
 furnish 3921 lbs. of Illinois flour at 15# 8s the
 quintal, and for security of this contract said
 Dulude hypothecates the movables and im-
 movables he now possesses and those that may
 hereafter come to him.

Made at the Intendency at New Orleans, in
 presence of the following witnesses: "Salmon,"
 "DeCrouet," "Roumier" +, "Henry."

- July 20, 1738. **Before Notary Royal**, acknowledgment by Charles
 (9927) Leduc of debt of (effaced) to Pery for merchan-
 (2380) dise delivered, which he promises to pay in
 April of next year, on his return from Illinois.
 fo. 10. Signed: "G. Pery," "F. Galhok," "Roumier,"
 "Henry," clerk.

- July 21, 1738. **Sale by Francoise Le Vert**, with authorization of
 (9932) husband, to Louis Roy, of a house and lot
 fo. 10. situated in St. Peter Street for 700#, 200#
 to be paid cash to Michel Vien and the remaining
 500# to the Company of the Indies as per
 agreement.

Signed: "F. Galhok," "Roumier," "Henry."

- July 21, 1738. **Sale by Francoise Le Vert**, wife of Michel Vien to
 (2381) Louis Roy. Written on upper left corner, then
 follows: "No. 2381" and the page on both
 sides is a blank, save a water stain.

- (9940) Petition to M. de Salmon by Louis Roy,
 farmer of this city, for permit to sell lot and
 house thereon, situated on St. Peter Street, ad-
 joining Dupre, cabinet maker, intending with
 proceeds of this sale to liquidate his debt to
 the Company of the Indies.

Signed: "Lenormand," "Louis Roy." (See 9932.)

Permit for sale after having complied with formalities. Dated May 28, 1740.

Signed: "Salmon."

Certification of Sheriff Lenormand that all required formalities have been complied with; dated June 13, 1740.

Signed: "Lenormand."

(9941) Unfinished document which is evidently a power of attorney to his wife by Louis Roy. (Only six lines of it.)

July 21, 1738. **Louis Giscard, Socalled Benoit**, appears before Registrar to register act of partnership which he has entered into with Rene Petit, both to bear losses as well as profits, until dissolution of said partnership next spring, on his return from Illinois, when he will be in condition to render account to Petit, who will do likewise in respect to Giscard, socalled Benoit.

Signed: "Henry," Clerk of Council.

July 22, 1738. **Acknowledgment Before Notary** by Francois Gallot of a debt of 1221# for merchandise delivered to him from Gerard Perry's store, which debt he promises to pay in New Orleans, next April, on his return from Illinois, and, for security of said debt, he hypothecates his movables and immovables, specially the objects he will bring from Illinois for that purpose, he takes up his domicile in this city, in Ozenne's house, etc.

Signed: "Guillot," "F. Galhok," "Roumier," "Henry."

July 22, 1738. **Pierre Messenger and One Michel**, "voyageur" from Illinois, acknowledges debt of 882# to M. Louis Boucher de Grandpre, for merchandise, and bind themselves, in solido, one for the other, to pay that sum to said Grandpre, next June, and, for security of same, they hypothecate their movables and immovables and the cargoes they will bring down from Illinois.

Signed: "Messenger," "Guillot," "Galhok," "Roumier," "Henry."

July 23, 1738. **Petition in Remonstrance.** Jean Roquanquour, settler at Pointe Coupee, was sentenced on past May 3 to pay 325 francs to St. Germain. J. R. presents counterclaims amounting to 358 francs

2pp.

No. 38⁸⁷.

and 17 sous net; in other words, he would have St. G. cited to pay 33 francs and 17 sous in discharge of balance debit.

Action allowed, and notice served on Aug. 9.

July 23, 1738. **Before Notary Royal, Marie Françoise Le Vert**, to whom her husband, Michel Vien, has granted power of attorney before Jerome, notary in Illinois, has sold and transferred a house and lot on St. Peter street to Sieur Louis Roy, for the sum of 700# in coin 200# to be paid to vendor and the remaining 500# to be turned over to the Company of the Indies.

Signed: "Roumier," "F. Galhok," "Henry," notary.

July 24, 1738. **Before Notary Royal of the Province of Louisiana, Marguerite Pierremont**, widow of Louis Dugres Lesouer grants power of attorney to Sr. Jacques Grignan, voyageur of Illinois, at present in this city, for the purpose of collecting a note of 2300#, made to Sr. Legendre, said note now in hands of Sr. La Loere. She has received 500# on said note and she prays Sr. Grignan to place the remaining 500# due as he would as if it were his own.

Signed: "Roumier," "Henry."

July 24, 1738. **Remonstrance.** Dame Henriette Louise Malbec, widow of Captain Charles Petit de Livilliers, masticates a tough wad of contention in her exertions designed to nonsuit Francois Gallard Chamilly, guardian of the minor children of late Sieur and Dame Petit de Coulanges. The texture of her masticated wad is a certain letter, either true or false, which is now filed in the case. If true, the letter is convincing and unimpeachable on the side of the masticating remonstrant.

Sheriff Le Normand leaves a copy of said letter with Madame Gallard, on behalf of her husband (then out).

July 25, 1738. **Letter of C. Chenu Boismors to Mr. Rasteau at La Rochelle.** Address: a Monsieur Rasteau fils en son Magazin a Missisipy. (To Mr. R. Jr., in his store at Mississippi.) Beseeching advice in regard to a certain note on Mr. Voisin, in favor of a butcher's wife, or dame butcher, at St. Malo. Writer is questioned in

the matter whenever he goes to St. Malo, and would fain give definite answer. Mr. R.'s brother is about to sail for Guinea.

July 25, 1738. **Petition to M. de Salmon** by Mathurin Simard, (9987)
 Enclosed in previous document.
 for permit to sell a lot and cabin thereon, adjoining M. Brosset's land, on account of his being continually absent in his boat.
 Signed: "Mathurin Simard + his mark."
 Permit granted on condition of formalities required.
 Signed: "Salmon."

July 26, 1738. **Sale by Widow Rivard to Widow Pierremont,** (9974)
 fo. 10.
 of a lot and house situated in New Orleans, fronting on Bienville street, adjoining Sr. Cariton on one side and Sr. Etienne Mathe on the other. The vendor has lost the titles, but declares that she sold the house four years ago and that no protest was entered against sale. Widow Pierremont paid 260# for lot and house and declared that she did not know how to write nor sign.
 Signed: "Galhok," "Roumier," "Henry."

July 26, 1738. **Before Notary Widow Marguerite Pierremont** (9976)
 Lasouer cedes and transfers to Jean Cariton, her neighbor, 30 ft. fronting on Bienville street by 120 ft. in depth, on condition that he build her, on her half lot, a house of 25 ft. width on the ground, etc., of which agreement act was passed.
 Signed: "Cariton," "F. Galhok," "Roumier," "Henry."

(9977)
 Dated October 28, 1739. Before notary appeared Mrs. Pierremont, Widow Lasouer and Jean Cariton to settle difficulties concerning house he was to build on her half lot, and the manner in which the contract for construction was to be carried out.
 (Unfinished document—no signatures.)

July 28, 1738. **Before Notary Laurens Davis and His Wife,** (9978)
 (2388)
 authorized by him, have sold a lot and house, thereon, situated on Toulouse street to Sr. Claude Villar Du Breuil for the sum of 600# the purchaser consenting that the vendor remain on the property during six months from this day without paying any rent.
 Signed: "F. Jahan," "Du Breuil," "Roumier," "Henry."

July 29, 1738. **Sale of a Lot and Cabin** thereon at the corner of
(9987) Bourbon and Orleans streets, to M. Brosset
(9988) by Mathurin Simard, master of the King's
boats, for the sum of 200# in current coin.

Sale passed in New Orleans, before Francois
Jahan, in notary's office.

Signed: "F. Jahan," "Roumier," "Henry."
(Enclosed document dated July 25, 1738.)

July 29, 1738. **Bill Containing Thirty-six Items**, amounting to
the sum of 173.5: 18. presented to M. Larche
Grandpre by Bancio Piemont, for cargo shipped
on "La Reine des Anges."

(9984)

Grandpre acknowledges before notary that
bill is correct and promises to pay it in June,
1739, on return of the Illinois convoy, and, for
security of said bill he hypothecates his movables
and immovables and the cargo he will bring
down from Illinois.

Signed: "F. Galhok," "Roumier," "Henry."

July 30, 1738. **Jean Pare, Voyageur of Illinois**, at present in this
(9989) city acknowledges that he owes 1200# 7s 6d
(2391) to M. Raymond Amyault, Ecuyer, Sieur
d'Auseville, which sum he promises to pay on
his return from Illinois, in July, 1739, and for
security of said promise he hypothecates his
movables and immovables, in presence of the
undersigned witnesses, June 26, 1738.

(Document dated on margin, July 30, 1738.)

July 30, 1738. **Power of Attorney** granted to (blank) by Sieur
(7990) Dausseville to collect from J. Pare, voyageur
of Illinois, the sum of 1200# 7s 6d, which said
Pare has promised before notary to pay in
July, 1739.

Signed: "F. Galhok," "Roumier," "Henry,"
notary.

July 31, 1738. **Letter of C. F. Merveilleux to Paul Rasteau.**
Rochefort. On business of collecting writer's debt (an in-
2pp. No. 38⁹⁰. terest account) from Mr. DuBreuil.
See 38^{90a}.

July 31, 1738. **Instructions on Collecting.** Mr. Duparc will re-
1p. mit directly to Mr. Merveilleux in France, in
No. 38^{90a}. same form as to Treasurer De La Pommeraye,
See 38⁹⁰. save substitution of Merveilleux for De La P.

If this plan be approved, Mr. De La P. will
give memorandum accordingly, to Mr. Duparc;
and Mr. Duparc will forward memorandum
with receipts on account to Mr. Merveilleux.

Signed: Valliet.

Aug. 1, 1738.
La Rochelle.
3pp.
No. A38.
See A37¹⁰.

Letter from Catherine Henriette Goudeau
veuve Raoult to Recorder Henry. Bespeak-
ing the payment of 6696 francs + less legitimate
deductions, accruing from the estate of her de-
ceased husband. She protests at a certain judg-
ment which wrongly involved her husband, so
she insists, in connection with Mr. Duhulquod.

Aug. 1, 1738.
La Rochelle.
1p.
No. 38⁹¹.

Letter of P. Estival to P. Rasteau. Business of a
draft which Mr. R. is urged to forward.
Right edge torn away.
Seal intact.

Aug. 2, 1738.
2pp.
No. 38⁹².
See 38⁹⁹.

Petition for Account Rendered. Ensign Bal-
thezare de Ponfrat, Chevalier de Mason,
husband of Demoiselle Marie Carrière, minor
daughter of late François Carrière and Françoise
Jalot, asks to have his mother-in-law con-
strained to render an account to him of his wife's
portion in her father's estate.

Action allowed, and notice served on August
11th.

Duplicated.

Aug. 4, 1738.
1p.
No. 38⁹³.
See 38^{93a}.

Promissory Note. Undersigned Pinaud promises
to pay Sieur Jaffre alias La Liberté the sum of
525 (francs) for 200 quarters of rice in straw at
52 sous and 6 farthings a quarter, payable on
delivery.

Witnessed by Balcour and by Jean Louis,
alias St. Pierre.

Reverse memorandum shows foregoing note
annulled.

March 11, 1745.

With note of
Aug. 4, 1738.
1p. No. 38^{93a}.
See 38⁹³, 39^{93b}.

Receipt. "Memorandum of what I Nycolas have
received of Mr. La Liberté."

Cash items and payment for linen, shoes, rum,
tobacco: total 80 francs and 13 sous.

Aug. 4, 1738.
1p.
No. 38⁹⁴.

Council in Matrimonial Suit. Attorney General
Fleuriau recommends that Sieur Herpin shall
investigate the point whether certain posses-
sions pending adjudication after the death of
Sieur Turpin were acquired by him while his
wife was absent, or in desertion? If so, the
wife and her heirs can have no claim on said
possessions.

Aug. 5, 1738. **Letter of — to Paul Rasteau.** Bespeaking his
La Rochelle. cousin Rasteau's good offices in behalf of the
1p. bearer, Mademoiselle Lange, who goes to
No. 38⁸⁵. Louisiana to join her brother.

Aug. 9, 1738. **Letter of Lenee Lesroches to Mr. G——, Trades-**
Chinon. **man at Rochefort.** Advising his (unknown)
2pp. correspondent that the bond in question was
No. 38⁸⁶. void at the start, being exacted of a minor:
See 38⁴⁸. who signed it, however, to facilitate his return
to France. Mr. Fontaine, if alive, would not
press the claim (it is pushed by his widow):
besides, the writer did plenty of unpaid work
to square the like account while he was in
Louisiana.

Wretched ink.

Aug. 10, 1738. **Decision in Suit of Claims.** Gallard de Chamilly,
2pp. guardian of de Coulange minors *vs.* Dame
No. 38⁸⁷. Louise Malbec widow of late Petit de Livilliers,
See 38⁸³. guardian of Livilliers minors. Question of 300
38⁸⁸. francs which defendant was charged with
owing, on behalf of negotiating party, to Sieur
Mayeur de Lormaison.

Sept. 11, 1738. **Decision Pronounced.** Balthazar Ponfrat de
2pp. Mazon, Esquire, *vs.* Dame Francoise Jallot
No. 38¹⁰⁵. veuve Carrière.

See 38¹⁰³. Attorney General Fleuriau sustains Madame
38¹⁰⁶. C. as touching adduced points of law, and con-
38¹¹⁸. sequently voids the defective provisos in
question.

Joint property under marriage contract shall
be divided half and half (after allowance for
dower and debts), between Madame C. and her
daughters. In two months she shall render
account of goods listed after death of her hus-
band, (Feb. 8, 1734).

Further proceedings in posse.

Costs divided.

Sept. 18, 1738. **Decision in Matrimonial Suit.** Repeating, in the
2pp. form of a judgment by the Council, the tenor
No. 38¹⁰⁶. of the Attorney General's pronouncement.
See 38¹⁰⁵. Status of joint property shall subsist from
date of espousals until February 13, 1734, date
of closing of inventory.

Signed: Salmon, La Frenière, Raguet.

Sept. 23, 1738. **Sale of House Allowed.** Judge Salmon authorizes Alin Liscene, Jean Locet and Jean La Vergne, to sell their house opposite Mr. Voisin's; the house in question coming from the estate of their mother the late Marie St. André. The usual three advertisements will be observed.

Sept. 25, 1738. **Letter of Giraud to Rasteau (on Board the Maurepas.)** A rambling scrawl, as of one caught in a conjunction of accidental obstructions, and hardly endowed with gifts of expression to put the matter in plain daylight before other sufferers. Six of his sailors on sick list. Sends a message to get advice from Mr. R. Addressed to Mr. Rasteau on board the Ste. Anne at the land grant. Torn at the base.

Sept. 25, 1738. **Motion for Taking Inventory.** Attorney General Fleuriau so moves in sequel to the death of Sieur Calixte Descairac, leaving no heirs in this Colony. Approved: Salmon. Mr. LeBreton shall conduct the proceedings in presence of Attorney General and parties concerned.

Sept. 25, 1738. **Inventory of Property of Late Calixte Descairac.** Proceedings in full detail. Total estimate not attempted, and the produce items are still uncropped. After the inventory sundry creditors file their opposition to sale until claims be satisfied.

Sept. 29, 1737. To-wit, J. B. Faucon Dumanoir, Company's Agent, claims 7532 f. +.

Sept. 29, 1737. Gonzales, innkeeper, claims 276 f. +.

Oct. 5, 1737. Dr. Jean Prat, royal physician, claims 195 f. +.

March 2, 1739. Surgeon Major Mathurin Cendret, claims 125½ f. +.

March 2, 1739. J. Herbert, attorney for Mr. Rasteau, claims 43 f. +.

March 2, 1739. J. B. Banco Piemont, claims 12 f. +.

See 38¹³⁰, 39²⁷. Executor is Mr. Gerard Pery.

Sept. 28, 1738. **Petition of Recovery.** Mr. Gerard Pery holds a note of 800 francs issued by Mr. Bruslé to the order of one Colombe, and endorsed in favor of Mr. Pery, who can get no satisfaction, no revenge, from either party. Let Mr. Bruslé be cited.

Sept. 30. Action allowed: Salmon, and notice served.

Sept. 30, 1738. **Petition of Recovery.** Mr. D'Auseville, attorney for vacant estates, claims a note of 70 francs payable by one Lemoine, a joiner, to the St. Julien estate. The note was dated May 29, 1725. Let Lemoine be cited.
 2pp.
 No. 38¹¹².
 See 38¹¹³.
 38¹¹⁷².
 Action forward.

Sept. 30, 1738. **Petition of Recovery.** Mr. Raymond Amyault D'Auseville claims a debt of 180 francs against the joiner Lemoine, partly on account of an open contract, partly on account of two unpaid notes (though paid in advance), and detailed history of these obligations. Mr. D'A. was willing to square the same by giving work to Lemoine, but in vain. Let him be cited.
 3pp.
 No. 38¹¹³.
 See 38¹¹².
 38¹¹⁷³.
 Action forward.

Sept. 30, 1738. **Petition of Recovery.** Raymond Amyault Dauseville claims 569 francs and adduces data from Sieur de Chavannes.
 1p.
 No. 38¹¹⁴.
 See 38¹¹⁷⁵.
 Let him be cited.
 Action forward.

Sept. 30, 1738. **Petition of Recovery.** Mr. Raymond Amyault D'Auseville claims 228 francs +, from Joseph Chaperon, and submits appertaining data.
 2pp.
 No. 38¹¹⁵.
 See 38¹¹⁷⁴.
 Let Mr. C. be cited.
 Action forward.

Oct. 1, 1738. **Memorandum of Burial Fees.**
 Slip. Expenses for the burial of Louet.
 No. 38¹¹⁶. Tolling the bell..... 4 francs.
 See 38¹⁰¹. Pall..... 2 "
 Chorister..... 3 "
 Choir Boys..... 3 "
 Grave Digger..... 4 "
 —

17 francs.

Receipted to Recorder Henry by Brother Jean Chrisostome, Capuchin Priest.

Oct. 4, 1738. **Decision in Sundry Suits.**
 2pp.
 No. 38¹¹⁷.
 See 38¹¹².
 38¹¹³.
 38¹¹⁵.
 38¹¹⁴.
 38¹¹¹.
 1. Charles Lemoyne *vs.* Pery, representing de Coustillas. Out of Court, costs divided.
 2. D'Auseville, for St. Julien estate *vs.* Lemoyne. For D'A.
 3. D'Auseville *vs.* Lemoine. For D'A. (180 francs).
 4. D'Auseville *vs.* Chaperon. For D'A. 228 francs +.
 5. D'Auseville *vs.* Chavannes. For D'A.
 6. Pery *vs.* Bruslé. Adjourned. Costs reserved.
 Signed: Salmon, Fazende, Raguet.

- Oct. 5, 1738. **Carriere Estate Account.** Rendered in kind by 18pp.
 No. 38¹¹⁸. Françoise Jallot, widow of late François Carrière, to Sieur de Pontfrac, Chevalier de Mazant and his wife Dame Marie Françoise Carrière.
 See 38¹⁰⁵. Preliminary marriage data. Review of inventory ruling. Chapters of receipts and expenses. Costs of this account, 100 francs. It is a model of intelligible discourse, and unchoked of technical congestions.
 38¹²⁰.
- No date. **Sale of Four Negroes** and two small ones owned 2½p.
 by Estate of Louis Bru, sold by agent of the Company of the Indies at public auction. Act before de Cremont, Commissary of the Marine and First Judge Superior Council. Signed by him and by Henry, Clerk of the same.
- Oct. 6, 1738. **Contract of Apprenticeship** before Henry, Clerk (10390)
 of Council, Michel Brosset and Helene (2437)
 Heaur, widow of Antoine Bunel, now wife of Brosset, apprentice Jean Baptiste Bunel
 Fo. 10. to Claude Dauvergne, to learn the trade of goldsmith. Signed Brosset, Heaur, Francois Brosset
 Dauvergne, le Kintrek, Roumier, Henry, Notary.
- Oct. 8, 1738. **Suit For Damages For Personal Injuries.** Rene (10399)
 Boyer, planter at Houmas on Blanpin's (2439)
 2pp. land, claims that one Senet was taking Boyer's slave and Indian woman away from her work. That he ordered him to desist, whereupon Senet clubbed and brutally maltreated him and he has come to New Orleans to be treated for his injuries. He prays for citation and for justice against Senet. Signed by Henry, Clerk of Council, stating Boyer does not know how to write.
- Oct. 8, 1738 **Succession of Phillippe Antoine Brusle.** De- (10411)
 cedent was at various times a member of (2440)
 the Superior Council of Louisiana and agent for the Company of the Indies. This record opens with the petition of Amyault D'Ausseville, attorney for vacant successions, representing that Mr. Bruslé died last night (October 7, 1738), that his wife and children were absent in France, and asking that the seals be affixed to his effects and it was so ordered by Salmon, Commissary of the Marine and First Judge of the Province of Louisiana. There are eighty-two documents in the file and it is therefore one of

the most valuable sources of legal history, containing as it does a remarkable series of forms, covering a litigation between the widow and the Company over the question of priority upon the proceeds of the Estate. This litigation ended in April 1740 and all the papers will be found under this entry. The widow claimed a privilege for her dower and the Company a superior privilege for the trust funds used by the deceased.

The case is further notable because the Superior Council first followed the opinion of Attorney General Fleuriau, (which was in favor of the widow) and rendered judgment in her favor, but afterwards on a new trial decided in favor of the Company. The deceased gentleman left household effects, lands and slaves, which were sold for 5630 livres. The widow claimed 18,000 livres and the Company 10, 453 livres, 11 sols, 6 deniers. There were other creditors besides. The result of the litigation was that all the proceeds went to the Company save some small allowances to certain privileged creditors.

- Oct. 9, 1738. **Partnership** between Marin and Filliard with inventory of a trading boat. Henry, Clerk.
(10388) (2436)
4pp.
- Oct. 9, 1738. **Inventory.** Succession of Jean Baptiste Saucier, Signed, Henry Saucier, Piquery, Hugault, Vifvarenne, Brantan, Bizoton, Rossard, Henry, Clerk.
(10545)
(2468)
11pp.
- Oct. 9, 1738. **Receipt.** Jean Baptiste de Chavannes tenders receipt to Succession of Patin for payment of note of 300 livres. Signed De Chavannes, Roumier, Bimont, Henry, Clerk.
(10422)
(2442)
- Oct. 9, 1738. **Petition in Assault Case.** René Boyer, settler aux Houmas, having been assaulted by one Senet, pleads for the hearing of witnesses, duly named.
1p.
No. 38¹¹⁹.
See 38¹²⁷.
Approved: Salmon.
- Oct. 10, 1738. **Retort Courteous.** In reply to Dame veuve Carrière's account rendered, her son-in-law the Chevalier de Mason finds the same "just and reasonable;" he offers no contradictions, and thanks Dame C. for her liberality towards her children.
1p.
No. 38¹²⁰.
See 38¹¹⁸.
38¹²⁴.

Oct. 10, 1738. **Letter of J. Duraud to Paul Rasteau.** Consigns
The Cape. a lot of goods by ship *Le Rodot*. Writer stays
2pp. at the Cape on business, but expects to sail for
No. 38¹²¹. France in a fortnight.
Flourishing scrawl; unevenly legible.

Oct. 10, 1738, **Letter of Rullierd to P. Rasteau.** Writes by
The Cape. sailing of ship *Marie Françoise*. Reached the
3pp. Cape on September 4. They were 51 days in
No. 38¹²². transit, owing to adverse winds in the Gulf, 23
See 38⁸⁵. days to Havana. Poor season for lading;
38¹²⁵. freight very low. Mr. Grenon was dead when
39¹¹⁶. writer arrived. Lumber affairs reviewed. Sends
a lot of refined sugar. Had no chance to get
lemon juice: all his hands at work. Hardly ex-
pects to leave the Cape this year.

Oct. 10, 1738. **Power of Attorney** by Dame Françoise Michel,
(10424) widow in community of Sr. Louis Joua-
(2443) neaut, merchant at Nantes, to Pierre Oger de
Fo. 11. Vaugre. Signed: "Du Vaugre Oger," "Rou-
3pp. mier," "Bimont," "Henry."

Oct. 10, 1738. **Power of Attorney.** Joseph Favrot, Lieut.
(10427) of the Marine, and his wife, Dame Louise Brusle,
(2443) authorized by her husband, attorney, to collect,
Fo. 11. receipt, etc., in their name. Signed Favrot,
2pp. Louise Brusle Favrot, Roumier, Henry, notary.

Oct. 11, 1738. **Petition in Redress of Insults.** Jean Stephen
4pp. alias Roquanquour, settler at Pointe Coupée,
No. 38¹²³. was after claiming some civil accounts of one
See 38¹²⁶. Jermain, when the latter mocked him with
38¹²⁷. abusive taunts, and afterwards even taunted
Jean's wife before the Sunday congregation at
Mass, because of her knavish husband. The
petitioner can support his complaint with the
statements of local commander Goussoye and
settlers André Jolly and Michel Bos. Let Ger-
main be cited.

Approved: Salmon.

Oct. 11, 1738. **Petition for Valuation of Property.** Chevalier de
3pp. Masan, seeing that Madame veuve Carrière's
No. 38¹²⁴. account stands approved, asks for proceedings
See 38¹²⁰. towards division of the property.

38¹²⁶.

Approved: Salmon.

Messrs. Broutin and DuBreuil will make a
new estimate of the property, in presence of
surrogate guardian and of Mr. Raguet (Council-
lor) and the Attorney General.

Oct. 11, 1738. **Petition of Valuation of Property.** Chevalier de Masan, seeing that Madame veuve Carriere's account stands approved, asks for proceedings towards division of the property.
 3pp.
 No. 38¹²⁴.
 See 38¹²⁰,
 38¹²⁶.

Approved: Salmon.

Messrs. Broutin and Du Breuil will make a new estimate of the property in presence of surrogate guardian and Mr. Raguet, (Councillor) and the Attorney General.

Oct. 12, 1738. **Letter of J. Tier to P. Rasteau.** The Cape, Oct. 12, 1738. Grieves to hear of death of Mr. Grenon, Senior, on past July 29; the writer's only friend in those parts. The son, Mr. Philippe Grenon, being nearly always "in the plain" has asked the writer to take charge of estate business. High commendation of the Mississippi lumber, very durable by reason of its "gum." Some cedar wood also desired. Slack season for freight. Expects to ship 100,000 lbs. of sugar to Rasteau, Senior, and as much for Mr. Chaudrier, if not more. Sorry not to have been able to send lemon juice.
 6pp.
 No. 38¹²⁵.
 See 38¹²².

Oct. 12, 1738. **Affidavit for Insult and Assault.** Pierre Joly, indigo maker, files affidavit before Superior Council against Dalcour for insult and assault following said Joly's demand for payment of salary earned by him. Signed: "Henry, clerk."
 (10429)
 (2444)
 Fo. 10.
 2pp.

(10438)
 (2445) 1½
 Another affidavit to same effect and receipt for 5 livres.

Oct. 13, 1738. **Inventory of Carriere Estate and division of property.** Formalities in detail followed by division of property. Inventory proceedings are signed by Veuve Carriere, Fleuriau, Broutin, Du Breuil, Joseph Carriere (surrogate guardian), Chevalier de Masan, Masana Carriere and Raguet.
 15pp.
 No. 38¹²⁶.
 See 38¹²⁴.

Chevalier de Mason receipts to Madame veuve Carriere for his marriage portion under contract with Marie Françoise Carriere, 8960 francs in slaves, cattle and land; Surgeon Mathurin Cendret receipts for like amount in virtue of his marriage with Marie Joseph Carriere. The respective wives also sign.

(Edges torn.)

- Oct. 14, 1738. **Court Summons.** At the instance of Rene Boyer, settler aux Houmas, Sheriff Le Normand summons parties Jean Moreau and Marie Tincourt to appear before Mr. Le Breton and give evidence. The Sheriff conveyed himself to Houma, 22 leagues from New Orleans, by dugout.
1p.
No. 38¹²⁷.
See 38¹¹⁹.
38¹²⁸.
- Oct. 14, 1738. **Court Summons of Witnesses.** Sheriff Le Normand summons in the same case (moved by Rene Boyer), the negroes Boucary and Diaucour, belonging to Sieur Blanpin, aux Houmas.
1p.
No. 38¹²⁸.
See 38¹²⁷.
- Oct. 14, 1738. **Adjudication** of lot on Royal street to Jean Cosset, for the sum of 1200 livres. Signed: "Cosset," "Fleuriau," "Jean Lavergne". Receipt therefore and act of sale signed by Cosset, Jean Lavergne, Rournier, Bimont, and Henry, clerk of Council.
(10433)
Fo. 11.
(2446)
4pp.
- Oct. 15, 1738. **Receipt of Funeral Fees.** Brother Jean Chrisostome, Capuchin priest, receipts to Recorder Henry and La Bretonne heirs for 60 francs on account of funeral expenses in behalf of late Madame La Bretonne.
1p.
No. 38¹²⁹.
Brother Mathias in preliminary memorandum shows that this amount was approved by Madame's children.
- Oct. 17, 1738. **Compromise** between Boyer and Senet at Dupont residence. Father Mathias, acting for Senet, enters into agreement with Rene Boyer on condition of said Boyer desisting from all proceedings against him, to pay 1000 livres and costs of court and medical attendance and medicines. Signed: "F. Mathias," "le Kintrek," "Henry, clerk," "D'R."
(10440)
(2448)
Fo. 11.
3 pp.
Said agreement registered on demand of Jean Baptiste Senet and signed by Senet, Rournier, F. Jahan and Henry, clerk.
- October 20, 1738. **Nuncupative Will of Jean Huet**, called Dulude, residing at Cannes Bruslees, in the presence of George Tesson, Pierre Aubresse and P. Le Petit, Superior of the Jesuits. Said Dulude, declaring that he did not know how to sign nor write, the will is signed by "Tesson," "P. Lubrucher," "Henry, notary."
(10457)
(2451)
fff.
Fo. 11.
4pp.

- Oct. 21, 1738. **Petition to Sell Minors' Property.** J. B. Faucon
(10535) Dumanoir and J. H. Bellair, curator and under tutor, respectively, of minors of Joseph Chauvin Delery, deceased, petitions for sale of a portion of land of said estate in order to complete two buildings begun and to pay debts of said succession and to call a family meeting of relatives and friends to deliberate thereon. Signed by J. B. Faucon, Dumanoir and Bellair. Order by Salmon for said meeting before him.
See 10531, October 22, post.
- Oct. 21, 1738. **Adjudication of Negroes of Madame Kolly.** Ex-
(10537)cerpt from Minutes of Superior Council, reciting order of Salmon for sale of slaves of Kolly succession; bears date of April 9, 1735, whilst margin bears date of October 22, 1738.
- Oct. 22, 1738. **Adjudication of Lots of Madame Kolly to Du**
(10461) **Breuil.** Excerpt from Minutes of Superior
(2452) Council bearing date of October 22, 1735, whilst
7½pp. on margin it is indexed as October 22, 1738.
- Oct. 22, 1738. **Succession of Delery.** Proces verbal of family
(10469) meeting before Salmon, to deliberate on advis-
(2453)ability of selling a portion of land belonging to estate of deceased Sr. Delery, at the Chapitoulas, proceeds of which are to be used to complete buildings now in erection. Signed by J. B. Faucon Dumanoir, Faucon, Widow Delery, Lafreniere, Bellair, LeBretton, Broutin, Du Breuil, Livaudais, Bellile, ayde major; Salmon, and Henry, Clerk.
- Oct. 22, 1738. **Petition to Homologate Above Proceedings.**
(10531) Jean Baptiste Faucon Dumanoir, curator of his
2pp. minor daughter, widow of Joseph Chauvin Delery, and Jacques Hubert Bellair, under tutor of minor heirs of said Joseph C. Delery, ask authority to sell a portion of land owned by said estate, at the Chapitoulas, between land of Srs. Bellile and Bellair, as it brings no revenue to the heirs, and that the proceeds of same would allow them to finish buildings now in course of erection. Signed: "J. B. Faucon Dumanoir" for Widow Delery, "Bellair."
- Oct. 22, 1738. **Order of Judge Salmon to sell aforesaid land follow-**
(10530) **ing** advice of relatives and friends of said heirs, the proceeds of sale to be turned over to tutor to be used in repairs and building for which purpose Srs. Broutin and Du Breuil have been appointed to furnish a report. Signed: "Salmon."

- Oct. 22, 1738. **Report of Death of Indian Slave.** Mr. Gerard
1p. Pery, attorney for Mr. de Coustillas and execu-
No. 38¹³⁰. tor for late Calixte Descairat, files word of the
See 38¹¹⁰, death of a savagess of the latter's estate, from
39². natural and languishing disease.
- Oct. 23, 1738. **Agreement to Cultivate Land and Raise Cattle.**
(10472) Rene Boyer, resident of Houmas agrees with
Fo. 11. Joseph Le Kintrec, called Dupont, door-keeper
(2454) of the prisons in New Orleans, wherein said Du-
pont having bought land from de Chavannes at
Goulapissa. Said Boyer promising to settle
thereon with cattle and slaves to exploit it,
obligating himself to build a lodge and share ex-
penses and profits with Dupont, who, however,
shall have no share in the increase of the cattle
which belong to Boyer. Signed by Le Kintrek,
Roumier, Bimont and Henry, notary.
- Oct. 24, 1738. **Procuration.** Joseph Favrot, Lieut. of the Marine,
(10476) being on the point of leaving for Natchez, to
(2455) Antoine Philippe Brusle, his father-in-law, and
Fo. 11. in case of his demise to Sr. Ignace Broutin.
3pp. Signed Favrot, Roumier, Jahan and Henry, no-
tary.
- Oct. 25, 1738. **Donation Inter Vivos by Rene Boyer to Joseph**
(10479) **Le Kintrek, Called Dupont.** Boyer declares
Fo. 11. he has no relatives in this colony, and in recog-
(2456) nition of the good services rendered him by said
1½pp. Dupont and his wife, he donates all his movable
property to them. Passed before Henry, No-
tary Royal and Clerk of Council. Signed Henry
le Kintrek, Roumier and Bimont as witnesses,
Boyer declaring he does not know how to write.
- Oct. 25, 1738. **Lease from Francois Gallard de Chamilly, tutor of**
(10481) **the minor heirs of de Coulanges, deceased, leases**
Fo. 11. **five negroes to Sr. Du Breuil for one year on**
(2457) **clauses and conditions enumerated in act.**
2½pp. Signed Chamilly, Du Breuil fils, Roumier, Jahan
Henry, notary.
- (10483) May 30, 1739, Sr. Du Breuil (son) appeared
before Clerk of Council to declare death of one
of the aforesaid negroes, owned by estate of de
Coulanges, deceased. Signed Sr. Henry, Clerk
of Council.

- Oct. 25, 1738. **Protest** by Delisle Dupart against sale of plantation of Pierre de St Julien, situated at Cannes Brulees, claiming for himself a quota of said land which he bought from Antoine Roux, Henry Haution and his associate, who held said land as a grant by Messrs. de Bienville and de Salmon. Signed: "Dlle. Dupart," "Henry, clerk."
See October 27, No. 10566.
(10484)
(2458)
Fo. 11.
1½pp.
- Oct. 25, 1738. **Sale of Property Approved.** Councillor Fazende advises the sale of Mr. Alexandre's plantation aux Chouachas, as being advantageous to those concerned.
Very nearly extinct.
2pp.
No. 38¹³¹.
- Oct. 26, 1738. **Contract of Lease.** Councillor Francois Trudeau has leased his plantation near New Orleans to Mr. Estienne de La Lande Dalcourt, for three years from date, for the sum of 1000 francs payable annually. There follows an inventory of said property.
Edges worn.
3pp.
No. 38¹³².
- Oct. 26, 1738 **Lease of Plantation** by Francois Trudeau, with slaves and cattle thereon, to his son-in-law, Estienne Dalcour, for three years per stipulations enumerated in the act passed before Henry, Notary Royal, and signed Trudeau, Dalcour, De Lapommerais, De Troyer and Henry, Notary.
(10486)
Fo. 11.
(2459)
1p.
Original.
- Oct. 26, 1738. **Notice of Public Auction** by sheriff. That on order of J. B. Faucon Dumanoir and Jacques Hubert Bellair, curator and under tutor of minor widow and heirs of deceased Joseph Chauvin Delery, eleven arpents of said estate, situated at Chapitoulas, will be sold at public auction on October 28. Signed: "Lenormand."
(10527)
1p.
- Oct. 26, 1738. **Inventory** of movables and immovables on plantation owned by Francois Trudeau and leased to de la Pommeraye for three years. Signed: "Dalcour," "Trudeau," "Delapommerais."
(10487)
7pp.
- Oct. 27, 1738. **Return of Leased Negro.** Joseph Chapron reports to the Registry that, by order of Messrs. de Bienville and de Salmon, he has brought back the negro leased by adjudication to Rivard and his associate Bertrand Jaffre to avoid the risk of loss owing to the war with the Chicassaws. Said negro belongs to succession of Larche and was leased by Chapron acting as tutor for Larche's minor heir. Signed: "Henry, clerk."
(10495)
Fo. 11.
(2460)
1p.

- Oct. 27, 1738. **Partnership** between Francois Marin, proprietor
(10496) of the boat "Le Francois" and Pierre Fillart,
(2461) after having sold and transferred to said Fillart
3pp. a share in said boat, price paid, conditions, etc.
Before Sr. Henry, notary and signed by Fillart,
Roumier, Bimont and Henry. Unsigned dup-
licate No. 10498.
- Oct. 27, 1738. **Protest** by Dellile before Notary Royal against sale
(10566) of 24 arpents advertised to be sold at Cannes
Bruslees as part of estate of deceased Pierre de
St Julien, stating that he bought from Srs. Roux,
Henry Haution and associate the quota of 18
arpents, which land was granted to him verbally
by Messrs. de Bienville and Salmon, leaving only
12 arpents to said St Julien. Signed: "Henry,
clerk."
- Oct. 27, 1738. **Service of Said Protest** of Sr. Delille Dupart.
(10567) Sheriff Lenormand leaves copy of said protest
for Sr. D'Auseville at his domicile in the city of
New Orleans, that he may not plead ignorance
of same. Signed: "Lenormand."
- Oct. 27, 1738. **Petition for Inventory.** Perrine Nezette, widow
(10501) of Jean La Coste, asks for appointment of a
1p. Councillor before whom inventory may be taken
of effects she owned in community with said La
Coste. Signed by Le Kintrek as witness, Potin,
and mark of Widow La Coste.
- Oct. 28, 1738. Mr. Raguet appointed Councillor before whom
said inventory shall be taken for the interest of
all concerned. Signed: "Salmon."
- Oct. 28, 1738. **Inventory of Effects** of succession of Marie Martin,
(10502) widow by first marriage of Sebastien Prouen,
(2462) and by second marriage of Pierre Lambremont
6pp. and at her death, wife of Estienne Mathe. She
leaves two minor children, Marie Prouen, about
14 years, and Pierre Lambremont, aged nine
years. Inventory signed by Matte, Fleuriau,
Hugault, Bizoton, and Rossard, notary.
- Oct. 28, 1738. **Succession of Gabrielle Savary.** Petition to
(10511) Judge Salmon by Attorney Fleuriau, stating
(2463) that Gabrielle Savary, deceased, left two minor
4pp. sons and two sons aged, respectively, 29 and 27
years, who are in Illinois; that after her death,
October 27, seals were placed on effects of her
succession and that awaiting the arrival of one

of the elder brothers from Illinois, a family meeting of friends in default of relatives was held to elect a curator and an order was asked for inventory, description and appraisement of said effects. That Brantan was selected and has accepted said charge; that Council should homologate such deliberations and approve Brantan after customary oath. So ordered by Salmon on the proces verbal of said meeting. Signed: "Lafreniere," "Morisset," "Du Breuil," "Fleuriau," "Brantan," "Cormier," "Salmon," "Rossard, clerk of Council."

Under date of October 6, (10388) (2436) there is a remnant of the inventory in this succession.

Oct. 28, 1738. **Procuration** by Augustin Payen de Noyan to Louis (10515) Le Breton, Secretary of the Marine, to sell a (2464) house on plantation of said de Noyan during 2pp. his absence. Signed: "Noyan," "Roumier," "Jahan," "Henry."

Oct. 28, 1738. **Procuration** by Augustin Payen de Noyan to Louis (10517) Le Breton, Secretary of the Marine empowering 2½pp. him, during his absence in Mobile, to sell land, house or plantation acquired from Joseph Blanpin, to cancel hypothecation on same and afterwards to exchange said plantation for that of Sr. Jacques Hubert Belair, on conditions agreed on. This power of attorney to subsist until Noyan's return to New Orleans. Original was passed in presence of Sieurs Francois Roumier, Francois Jahan, Noyan, and this copy signed by "Henry, Notary."

Oct. 28, 1738. **Adjudication of Land Sale in Succession of** (10523) **Delery**, lying between land of Messrs. Belile and Bellair, at the Chapitoulas, following order on (2466) petition of Sr. Faucon Dumanoir, curator of his 4pp. daughter, Widow Delery, and Jacques Hubert Bellair as under tutor of minor heirs of said Joseph C. Delery. Adjudicated to de Noyan at 1000 livres. Signed: "Salmon."

Nov. 11. Order of Salmon to renew sale, as adjudication was under value; the coming sale to be final.

Oct. 28, 1738. **Acknowledgement of Paraphernal Rights of** (10520) **Wife.** Andre Crespe acknowledges to have received from his wife, Anne Marie Huguet, the (2465) sum of 1200 livres inherited by her from the 2½pp. succession of Antoine Huguet, her brother, de-

ceased in this colony, and acquired by his labor, which he bequeathed to his sister to help her establish her home in this Colony. According to custom of Paris, said Andre Crespe asserts that the sum is still intact and has not served for any purchases in this Colony. Neither Crespe nor his wife being able to write, the document was signed by Favaudon and Roumier as witnesses and by Henry as clerk of the Superior Council.

- Oct. 28, 1738. **Inventory La Coste Succession.** On petition of (10542) Perrine Nezette, Widow of Jean La Coste, and Fo. 11. the order thereon by M. de Salmon, First Judge (2467) in the Superior Council. Jean Baptiste Raquet went to the house of said widow La Coste, acquired since her husband's death, and proceeded to take inventory, with description and appraisal of the effects of the succession of said La Coste, in the presence of the Clerk of the Council, the Sheriff, the Attorney General and Nicolas Bauche, called Picard. 3pp.
- Oct. 28, 1738. **Petition for Inventory.** Attorney General Fleuriau petitions M. Salmon for an order to make (10510) inventory community share of deceased Marie 1p. Martine in property of Estienne Mathe, as the two minor heirs of said deceased Marie Martine have nothing else. Signed: "Fleuriau."
- Oct. 28, 1738. **Order to that effect by Judge Salmon.**
- Oct. 28, 1738. **Petition for Family Meeting.** Estienne Mathe 2pp. petitions Judge Salmon to order a family meeting of relatives and friends of his deceased wife, Marie Martine, to elect a tutor and under tutor to her two minor heirs. Order granted and meeting held. Mathe was elected tutor of said minors and Deslattes as under tutor and the proceedings were homologated. Signed by Salmon, Fleuriau, Mathe, Delattre and Rossard.
- Oct. 29, 1738. **Adjudication of 12 arpents of land belonging to** (10557) **succession of Pierre de St. Julien to Dellile Du-** (2469) **part, for the sum of 600 livres as sole bidder.** Signed: "Dlle. Dupart," "Salmon," "Henry." Attached to this document we find one dated: Feb. 8, 1737 (2469) (10557), which is a petition to the Superior Council by D'Auseville for sale of plantation at Cannes Bruslees owned by Pierre de St. Julien whose succession will un-

doubtedly revert to the King and that the succession is deeply in debt. Signed: "D'Auseville. And an order to sell after usual formalities. Signed: "Salmon."

Oct. 29, 1738. **After Considering** the date of order to sell land of deceased St. Julien and the adjudication to Dellile Dupart at 600 livres, Council homologates said sale and puts Delille Dupart in possession.

(10560)
(Copy)

(10563-10564-10565)

With this document three notices of said sale signed by Lenormand, the third notice dated Nov. 17, 1737.

Oct. 29, 1738. **Petition for Binding Contract.** Capraize Mathieu bargained with Mr. Pradel for a savagess named Marianne. The contract was closed yesterday, but Mr. Pradel now tries to evade it on the ground that he intends to emancipate Marianne.

1p.⁴.
No. 38¹³³.
See 38¹³⁵.

Let him be cited.

Action allowed and notice served on Oct. 31, 1738.

Nov. 1, 1738. **Report of Damage by Cattle.** Madame Petit's cattle (bestios) got into our "desert" a week ago. Three viewers, Mr. Louis Lavergne, Mr. Paul Veill and Jean Quastepeirel have set the damages at 4 barrels of buckwheat, three barrels of shelled corn, eight barrels of beans.

1p.
No. 38¹³⁴.
See 39⁷⁹.

German script signatures of Paul Vrill and Josaurb Ratzanburyur (Katzenberger).

Mark of L. L.

Nov. 2, 1738. **Conference between the People and the Governor Intendant.** Meeting of the inhabitants of this Colony and Church wardens held before Messrs. de Bienville and de Salmon, at the Intendancy, on request of Father Mathias, to deliberate on ways and means to repair the presbytery and the church, which is crumbling to ruin. Messrs. Bienville and Salmon decided to tax the slaves per capita and the inhabitants owning no slaves to be taxed according to their means. Mr. de Bienville generously donating the sum of 9048 livres, proceeds of the prize of "La Marie," taken last year. Collated copy deposited in the Registry of the Council and signed "Henry, clerk." Stained and lower edges torn.

(10587)
(2476)
4pp.

Nov. 8, 1738.
(10595)
(2478)
1½pp.

Report of Experts. Following petition of Dumanoir and Bellair for sale of a portion of land owned by estate of Joseph Chauvin Delery and the order of M. de Salmon to Broutin and Du Breuil to report on repairs needed on house situated in this city at the corner of Conda and St Phillip, the latter report was a detailed statement of repairs, saying they can not furnish an estimate as prices may vary and will depend on quality desired. Signed: "Broutin," "Villars Du Breuil." Document in bad condition, stained and torn and parts missing.

Nov. 8, 1738.
1p.
No. 38¹³⁵.
See 38¹³³.
38¹³⁷.
38¹³⁸.

Remonstrance. Mr. Pradel urges that ill to the purpose Mr. Mathieu brings a frivolous lawsuit against him, seeing that Mr. Pradel never seriously bargained with M. in the matter of sale of slaves. If they broached the subject at all, it was by way of idle banter. Far from intending to sell a slave, P. would gladly buy one, opportunity helping.

Let M. be non-suited, fined, etc., liable to costs.

No note by Council.

Nov. 8, 1738.
1p.
No. 38¹³⁶.
See 38¹²³,
38¹³⁷.

Remonstrance. Pierre Germain denies that he is debtor to Rocancourt, having received none of the goods charged against him. Alleged hire of slaves was only to offset R.'s board account with P. G. However, he received a cask (apparently the next word is "vide"), empty, and a scrawled article which got lost in his house.

Nov. 8, 1738.
4pp.
No. 38¹³⁷.
See 38¹³⁵,
38¹⁴⁰,
38¹³⁶,
38¹²³,
38¹⁴⁰.

Decisions in Civil Suits:

1. Capraize Mathieu *vs.* Pradel. P. to appear to affirm the substance of his defence within eight days.
2. Pierre Joly *vs.* Balcour. B. to pay 150 francs; all else out of court.
3. Brusle estate *vs.* List of Creditors. Further pending.
4. Dumanoir *vs.* Joseph Chaperon, surrogate guardian of Larche minors.
5. Rocancourt *vs.* Pierre Germain. P. G. shall affirm the point of his disclaimed obligations. Costs divided.
6. Rocancourt *vs.* Pierre Germain. P. G. for his abuse of R. is fined 30 francs in favor of presbytery building at Pointe Coupee.

- Nov. 9, 1738. **Letter of Pradel to Councillor.** Transmitting his
1p. defence in the suit moved by Mathieu. The
No. 38¹³⁸. writer is under the weather and cannot report
See 38¹³⁵. in person.
- Nov. 9, 1738. **Third Public Notice of Sale** of land at the Chapi-
(10528) toulas owned by estate of deceased Joseph C.
Delery, to take place Nov. 11, 1738, under or-
der of Judge Salmon.
- Nov. 11, 1738. **Final Adjudication of Land** at Chapitoulas be-
(10540) longing to said estate to Chevalier de Noyan as
the highest bidder for the sum of 2200 livres.
Signed by Salmon, Le Bretton and Henry, clerk.
- Nov. 12, 1738. **Letter of Bernoudy to —**, reporting the death,
2pp. about a month ago, of his correspondent's
No. 38¹³⁹. brother, who leaves a child and nearly 20,000
francs, proceeds of auction. To obtain this
money, send power of attorney. Writer will
deposit the funds with attorney for vacant
estates.
- Nov. 13, 1738. **Declaration** by Jean Pradel, former Captain of
(10607) Infantry. He declares under oath that the dec-
(2481) laration read to him, before witnesses, is the
same that he sent to the Council, on the 11th of
the present month, on request of Sr. Capraise
Mathieu, indigo maker of this Colony. Signed
by Pradel and Salmon.
- Nov. 14, 1738. **Promise to Pay Debts.** Pierre Bresson acknow-
(10609) ledges a debt to Berry, Captain of the "Comte de
(2482) Maurepas," at Bordeaux, amounting to 131 livres
2pp. 12s., 6d., which he promises to pay on his ar-
rival at Bordeaux. Also other debts to said
Berry, besides price of his passage, which he
prays his father to pay, and for security of which
he hypothecates all his movables, immovables,
etc. Signed: "Pierre Brisson," "Bimont,"
"Roumier," "Henry, notary." Stained but
legible.
- Nov. 14, 1738. **Memorandum of Court Costs.** Charges against
1p. Pierre Germain in the proceedings moved by
No. 38¹⁴⁰. Rocancourt; the parties coming from Pointe
See 38¹³⁷, Coupee. Total (presumably: figures largely
38¹⁴¹. torn away), 106½ francs.
Signed: Fleuriau.

- Nov. 14, 1738. **Petition for Compensation.** Estefan, alias Ro-
 1p. cancourt, beseeches Judge Salmon to regulate
 No. 38¹⁴¹. the sums which R. shall receive for defraying
 See 38¹⁴⁰. his two trips in the suit with Pierre Germain.
- Nov. 15, 1738. **Report of Dead Slave.** Mr. Dalcour, husband of
 1p. B 38⁷. Madame veuve de La Chaise, files report of the
 See B 36¹, death of a negress named Hyasy, and also of
 C 39⁶. her little daughter, both from pneumonia.
 and sequels.
- Nov. 15, 1738. **Letter of P. Estival to P. Rasteau.** (La Rochelle.)
 2pp. Urging Mr. Rasteau to come to his relief in
 No. 38¹⁴². sequel to fire on shipboard, which has reduced
 See 38¹⁴³. P. E. to beggary. Please remit a draft on ac-
 count of loan which writer, made to P. R. 4000
 francs. Seal intact.
 "Answered June 8, 1739."
- Nov. 16, 1738. **Registration of Death of Negro.** Francoise Le
 (10611) Blanc, widow of Joseph Chauvin Delery, now
 (2483) wife of de St. Aignet, declares before the registry
 Fo. 11. the death of a negro, piece d'Inde, named Med-
 dord, who died of illness after having been med-
 icated and treated by Surgeon Alexandre, of
 which declaration she requests that act be pass-
 ed. Signed: "Leblanc de St Aignet." "Henry,
 clerk."
- Nov. 17, 1738. **Apprenticeship of Pierre Fion,** minor son of de-
 (10612) ceased Francois Fion, pilot for the King, and
 Fo. 11. Marie Le Roy, widow of said Francois Fion,
 (2484) acting as tutrix of her said son in agreement with
 Ducret, called Belhumeur, to teach him the
 trade of cobbler on clauses and conditions set
 forth in this act. Signed by Roumier and Bi-
 mont as witnesses and by Henry, notary, the
 contracting parties declaring that they can
 not write nor sign.
- Nov. 20, 1738. **Contract to Serve on Plantation.** Barbe Tolly,
 (10640) wife of Vilaine Siriaque, who authorizes her,
 Fo. 11 agrees with Villars de Breuil to reside on the
 (2487) plantation at Barataria, where said Du Breuil
 2½pp. is to establish a cow herd, on conditions enumer-
 ated in said contract. Signed by Dubreuil,
 Roumier. Bimont and Henry.

- Nov. 22, 1738. **Agreement to Furnish Rice.** Robin, a planter, (10643) agrees with Salmon, acting for the King, to furnish 300 quarters of rice in straw to the King's store, which will be paid for by the Treasurer on receipt of the same by the keeper of the store. Signed: "Salmon," "Roumier," "de Troye," "Henry." (Water stained.)
Fo. 11. (2488)
1½pp.
- Nov. 22, 1738. **Agreement to Settle on a Plantation.** Dupar, (10653) Captain commanding the Swiss troops, and Paul Cezant and his wife, Barbe Mary, enter into contract whereby said couple obligate themselves to settle on Dupar's plantation at Barataria, to care for his cattle and poultry and to make butter and cheese, according to conditions enumerated in said contract and agreed to by said parties. Signed: "Dupar," "Roumier," "Bimont," "Henry, notary." Badly stained and torn, parts missing.
Fo. 11. (2491)
4pp.
- Nov. 29, 1738. **Letter of P. Estival to P. Rasteau.** Duplicating (1p⁴) contents of preceding letter. The burnt ship was "L'Hercule." Writer first applied to Mr. Rasteau, Senior, who declined assisting him. See 38¹⁴³.
39⁵. "Answered June 8, 1739."
- Dec. 1, 1738. **Inventory of Personal Effects.** Contents of trunk left by late Jean D'Huis, marine carpenter, deceased in town hospital on Nov. 29, 1738. Proceedings moved by Port Captain Jacques Enouls de Livaudais. Signed: "Le Breton," "Livaudais." "Chief Clerk of Marine."
No. 38¹⁴⁴.
See 38^{143a}.
- Dec. 1, 1738. **Marriage Contract,** before Henry, Notary Royal, (13133) between M. Jean Baptiste Dupar, Captain commanding the Swiss troops of the Regiment of Karrer, and Dame Francoise Pellerin, widow of Sr. Ferard Pellerin, guardian of the King's Store. Signed: "Dupar," "Jahan," "Vruellan," "Rae-guet," "Pellerin," "Diederich," "Caue," "Du Breuil," "Roumier," "Henry, notary."
7pp.
(13139) August 1, 1739. Fleuriau demands registration of donation in above contract of marriage. Signed: "Flauriau."
(13140) Registration of donation in above contract of marriage and reading of same before the Superior Council. Signed: "Henry, clerk".
Dated, Aug. 1, 1739.

- Dec. 4, 1738.
(10657)
Fo. 11.
(2492)
2pp.
- Procuration.** Before Notaries Royal and apostolic of St. Malo, Thomas Trehouart Dulongpre, merchant of that city, to le Chevalier de Querloret, Captain of the King's Ship.....about to leave Louisiana, to empower him to prosecute widow of Delacroix Harry Leblanc, Delle. Perrine Lemarie and Flauriau of Louisiana for recovery of sums due to said constituent. Signed: "Longpre Trehouart." "Gendron, notary royal," "Pitot, notary royal," Counter-signed: "Grouel."
- Dec. 5, 1738.
(10659)
3pp.
- Retrocession of Sale.** Du Breuil de Villars cedes and returns to Salmon four negroes and small negroes and negresses, sold and transferred to him by Salmon, Dec. 20, 1734, for 1400 livres, for which receipt was signed by Delapommeraye, Treasurer. Du Breuil acknowledges having received from Salmon the sum of 1400 livres which he originally paid for said slaves, as per act of sale, which precedes this document. Signed: "Salmon," "F. Gallot," "Du Breuil," "Delapmre" "Henry, notary," and numbered (10687-2501), Fo. 11. Torn and parts missing.
- Dec. 6, 1738.
(10663)
Fo. 11.
(2493)
- Request for Compensation from Superior Council.** Jean Baptiste Houmard of Pointe Coupee claims expense of journey to New Orleans, on citation of Council in case of his negroes accused of theft, as he had no other business there but to answer said notice. Signed: "J. B. Houmard," "Henry, clerk."
- Dec. 9, 1738.
(13173)
3pp.
- Detailed and Certified Statement of Merchandise** furnished to Mr. and Mrs. Dupar from the ship "La Reine des Anges", covering three pages and containing such items as crystal preserve bowls, bottles of essence, jar of pomadum, head-dress of blonde lace, grey lisle thread stockings, shoe buckles, silk garters, boxes of preserves, 3 kettles, etc., etc. Balance still due. Presented by J. B. Bancio Piemont.
Individual bill of Mrs Dupare, amounting to 311:17. Presented by Mr Bancio Piemont.
- Dec. 4, 1738.
and Jan. and
March 1739.
- No date.
- Division of Goods of Estate of David Jeanneau,** before Attorney General of the King. Incomplete document, two badly torn pages, which state that David Jeanneau was the first husband

of Marie Anne Haussecorne, Claude Fontaine her second husband and Gilbert Dumas, called Lempileur, her third husband. Francois Durcy having married Catherine Fontaine, issue of the second marriage of the said M. A. Haussecorne claims a share of her estate and her son, Jacques Janneau, also comes in for his share.

Dec. 10, 1738. **Letter Enclosing the Procuration** (10657) to (10659) le Chevalier de Querloret, Lieutenant of the King's ship.....at Brest, notifying him of remittance of vouchers and of note for 10,000 livres and informing him that the power of attorney has been registered at the Registry of the Admiralty. Signed: "Longpre Trehouart."

(10662) With 10659 is enclosed a copy of a letter dated (A copy.) May 15, 1733, complaining that the affair of Mr. La Croix Leblanc is still pending: that 4000 livres in vouchers of the Company of the Indies had been obtained through Mr. Rossard, who promises 6463 livres more on the arrival of the next convoy to the Colony.

(10660) Another document with the above dated July 25. Acknowledgement by widow of Gabriel de Mories of endorsement of two notes payable to her order by de St. Paul Causserouge and that only the sum of 2252 livres is due to her on the present transport.

Collated copy signed by "Lauthier Levesque."

Dec. 10, 1738.

Date in reference.

No. 38¹⁴⁶.

Memorandum of Counts. Apparently a draft of test questions to be put by the examiner to a defendant, or possibly to parties witnessing in a suit of claims turning on the dowry of late Madame Trudeau Dalcour.

(To be Continued)



INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA

I.

Aug. 18 to Dec. 31, 1769.

O'Reilly's fleet appeared before New Orleans August 17, 1769, the debarkation of the troops began at 5 p. m. on the 18th and that is the hour and the day that Spain took physical possession of the French colony of Louisiana. The French Superior Council had functioned right up to the moment of O'Reilly's arrival, thereafter a blank occurs in our judicial records until September 18, 1769, when Bartholomew Robert, carpenter, petitioned "His Excellency Senor O'Reilly, Captain and Governor General of the Province of Louisiana" for leave to open his (Robert's) wife's succession. The Captain General ordered Joseph Ducros and Jean B. Garic to act for him, and to them he referred the petitioner's case for further attention. This rule of procedure was followed until the reorganization of the Judiciary in November, 1769.

In the meantime, (on August 21) O'Reilly had imprisoned Lafreniere and his fellow patriots and had also incarcerated Foucault, the French Intendant, and the new rulers had their hands full what with preparing the case against the first group and investigating the complicated personal affairs of the Intendant. Our judicial records preserve some scraps of the latter case, but nothing of the great prosecution which resulted on October 25, 1769, which resulted in the murder of some and the banishment of others of the patriots. These prosecutions were before tribunals, specially created for the purpose. In our transcripts obtained from France we have a complete copy of the contemporary report of both trials and these will be the subject of a separate paper to be published later on.

The first paper in the Archives after O'Reilly's arrival is the original oath of allegiance of the inhabitants of Pointe Coupee and Fausse River September 10, 1769, which we have heretofore printed in Vol. 4 Louisiana Historical Quarterly pp. 205-215, April, 1921.

With the exceptions noted, that which follows is an index to all the Spanish Judicial Records of Louisiana that are in the Cabildo at New Orleans. It will include a number of original notarial acts found among the court records. Some of these acts are sewed together in paper covers and were evidently overlooked when years ago other French and Spanish notarial acts of the colonial period were bound and turned over to the Custodian of Notarial Records in the New Court Building at New Orleans.

The work of assorting the records covered by this index has been proceeding for about two years, and though it is not finished, we think it wise to begin the publication now because it has progressed sufficiently to guarantee the eventual completion of the whole Index. It has been prepared by Miss Laura L. Porteous

under my supervision, and we expect later on to have something to say regarding the task and the discoveries made by us in this laborious work.

An instalment of the Index will appear as a regular department in each issue of the Quarterly. We congratulate all students of our history on the great store of historical material developed in this Index and contained in the similar index to the records of the Superior Council appearing regularly in the Quarterly.

HENRY P. DART.

1769.

September 10th,
**Oath of Allegiance
Taken by the
Inhabitants of
Pointe Coupee.**
1p.

Under the Government of Don Alexandro O'Reilly, the inhabitants of Pointe Coupee and Fausse Riviere meet in the presence of Captains Duplessis and Allain, and grant power and authority to Messrs. Allain, George Baron and other notables of these settlements to go to New Orleans

and in their names, and in the customary form to take the oath of Allegiance to His Catholic Majesty, by which they promise and swear fidelity, zeal and obedience to the King of Spain.

Signed by the male inhabitants of the two posts. Those who could write signed their names, and those who could not made their ordinary marks.

September 21st.

These Deputies appointed by the inhabitants of Pointe Coupee and Fausse-Riviere went to New Orleans and "of their own free wills" for themselves and in the names of those who had appointed them took the Oath of Allegiance in the name of God to hold the most inviolate fidelity and obedience to His Catholic Majesty, their only and legitimate King.

Signed Fs. Allain, George Baron, Louis Arnaud Ducrest.

+ ordinary mark of Mr. Jean Caval called Le Blond.

Duplessis.

+ ordinary mark of Jacques Desautels.

Duplessis.

Dated as above.

(In Spanish.) This Oath of Allegiance is made in the presence of Don Senor Alexandro O'Reilly, and is certified to and attested to by Francisco Xavier Rodriguez, Notary of the Expedition, and Joseph Fernz. (Fernandez?) Notary. Both signing.

Sept. 18,
**Succession of
Mrs. Bartholomew
Robert.**
21pp.

No. 10529.¹

pp. 93370-93395.²

To His Excellency Senor O'Reilly, Captain, and Governor General of this Province of Louisiana.

Bartholomew Robert, carpenter, petitions for permission to open his deceased wife's succession, stating that she was twice married, and died leaving children by both marriages, that to avoid complications between the first and second community a tutor and under

tutor should be appointed for both sets of children. The Captain General signs his order appointing Joseph Ducros to act for him assisted by Mr. Garic, clerk and notary ad hoc, and directs them to proceed with the appointment of the tutor to the minor children.

[Note—This is the first petition addressed to O'Reilly.]

1769.

September 21st.

By virtue of the foregoing order Bartholomew Robert presents himself before Joseph Ducros, commissioner appointed by the Court, assisted by the clerk, and declares that his wife, Jeanne Bodmont has been twice married. By her first husband Nicolas Roy she has two children, Francois and Augustin, both of age, and by her second marriage to petitioner six, all minors, namely, Francois Robert, 16 years; Nanette, 12; Bartholomew, 10; Marguerite, 8; Pierre, 6, and Marianne, 4. In order to render accounts of the estates of the deceased Nicolas Roy, and Jeanne Bodmont, and also to separate them from the second community interests it will be necessary to make an inventory of these estates, and also to appoint a tutor and under tutor. The Commissioners hold a family meeting consisting of Jean Lacour, called Dubourg, Nicolas Lambert, Jean La Vergne, Henry Roche, Nicolas Lauve, Francois Joseph Masson, and Jacques Mecheine. This meeting recommends Bartholomew Robert to be tutor, and Jean Le Vergne to be under tutor. Both accept, and their appointments are ratified and approved by Joseph Ducros, commissioner, and Jean B. Garic, Notary, appointed as aforesaid by Captain General O'Reilly to conduct the succession.

October 9th.

An inventory, and valuation is made of the estate by said commissioners, Joseph Ducros, and Jean B. Garic. The estate consists of house furnishings, wine and provisions, wearing apparel, live stock and slaves amounting to 9768 livres 3 sols 6 deniers. Titles and papers, namely a title to a concession of land on Bayou Saint John consisting of twenty arpents frontage by forty deep dated June 12th, 1766. Signed Aubry and Foucault. No valuation given. Debts, Notes and accounts due the successions amounting to 260 livres. Passive debts amounting to 1796 livres 11 sols, and other debts for flour and personal services for which no moneyed amount is given. Real property consisting of a lot, and improvements on Saint Louis Street, a plantation with three cabins for negroes on Bayou St. John, and two pirogues, no value placed on these properties. This inventory is signed by Ducros Bartholomew Robert, and Jean La Vergne, the latter stating that they do not know how to write.

¹This numeral is evidently the docket or register number carried forward from the last number of the docket of the Superior Council.

²These numerals are the numbered pages of the document following the sequence of pages from the records of the Superior Council where it would appear all original documents from the beginning of government were similarly paged.

1769.

October 10th.

Thereupon Bartholomew Robert petitions His Excellency, stating that in order to render an account of his wife's succession, and to separate her two community interests it will be necessary to sell her effects. Governor General O'Reilly orders this sale made in the presence of Joseph Ducros, and Jean B. Garic, commissioners appointed for this purpose.

October 18th.

Sale at public auction, and adjudication of the movable property belonging to the Roy Bodmont-Robert estates. This sale is conducted by order of the Governor, in the presence of Joseph Ducros, and Jean B. Garic, commissioners.

October 29th.

Jean B. Garic announces that there will be a sale at public Auction of the real property belonging to the estate of Bartholomew Robert, and to his wife's succession. This sale will take place after the three public calls required by law have been made.

November 5th, 14th,
22nd.

Public calls for the sale of the real property mentioned in Jean B. Garic's order.

November 30th.

On the fourth call the real property of the Roy Bodmont-Robert estate resulted in the adjudication to Mr. Robert, who is the highest bidder, for the sum of 1300 livres.

Note: This sale ends the record.

September 23rd.

**Succession of
Mrs. Gervais.**

5pp.

No. 10530.

pp. 93399-93403.

Before His Excellency Captain General O'Reilly, Francois L'Arche states that he has come to the city (from what place the record does not mention) to petition for permission to open the succession of his sister, Mrs. Gervais, who died leaving three minor children all old enough to be emancipated. That Mr. Gervais, her husband, has been living in Illinois for more than three years, and in his absence he asks that an inventory descriptive and enumerative be made of the estate. Captain General O'Reilly orders a tutor, and an under tutor named for the minors, and to proceed to the making of an inventory. He appoints Joseph Ducros, Regidor Perpetuo, and General Receiver commissioner to represent him. The Commissioner to be assisted by Jean B. Garic, Notary ad hoc.

Sept. 25th.

Francois L'Arche appeared before the said commissioners and declared that his sister, Mrs. Gervais, deceased, had left three children, Marianne 22, Julie 16 and Pierre 12, all children of her husband now absent in Illinois, that it will be necessary to make an inventory of the estate, and appoint a tutor for Pierre, his sisters being old enough for emancipa-

tion. A family meeting was held by order of Captain General O'Reilly composed of Andre Raynard, George (other name omitted), Thos. Poré, the two Messrs. Augrand brothers, and Mr. Foucher. It names Mr. Duverge as curator for the two daughters, who have arrived at the age of emancipation, and Francois L'Arche as tutor to Pierre, minor under the age of emancipation. Both accept.

1769.

Sept. 26th.

Joseph Ducros, commissioner, appointed by His Excellency, assisted by Jean B. Garic, notary ad hoc, and Francois L'Arche, tutor to the minor heir make an inventory of Mrs. Gervais' estate, which consists of a few pieces of household furnishings and some wearing apparel all valued at 190 livres 10 sols.

Signed: Larche, Paiche, Ducros.

Oct. 4th.

Procuration.

Madelaine Fé de Berqueville Roullin.

2pp.

No. 10532.

pp. 93410-93412.

Jean B. Garic, Notary, commissioned by His Excellency Don Alexandro O'Reilly.⁸ Magdelaine Rose Fé Berqueville, wife of Mr. Du Roulin or Roullin, to her husband Claude Du Roullin to administer all her affairs in France.

Oct. 5th.

Sale Real Property.

Jean Baptiste de Grandmaison to Joseph Roth.

5pp.

No. 10533.

pp 93413-93421

Jean B. Garic, Notary. Jean Baptiste de Grandmaison to Joseph Roth, a house on Conti Street for 3250 livres cash. Enclosed with this act of sale is the record of three public calls dated October 11th, 18th, 26th, for the sale and adjudication for the house and lot transferred by the foregoing act of sale. This record states, that on request of Mr. de Grandmaison, represent-

ing Mr. Cabaret de Trepis, in virtue of an order of His Excellency, Joseph Ducros, assisted by Jean B. Garic, Notary, will proceed to sell at public auction, and adjudicate to the highest bidder a certain lot of ground and improvements situated on Conti street.

[Note: Why the transfer of the property is dated before the sale and adjudication can only be explained by the supposition that the copyist in setting down the records wrote in the Act of Sale "Le cinq Octobre" when he meant "Le cinq Novembre."]

⁸From this date forward the notarial work in the City of New Orleans during the period covered by this instalment of the Index seems to have been wholly under the control of Jean B. Garic, who recites his authority as set forth above but occasionally varies it, as by "express and particular commission of His Excellency," etc. Garic had been Clerk (Greffier) of the preceding French Superior Council of Louisiana.

1769.

October 6th.

Procuration.Guillaume Roussillon,
Surgeon, to his brother
Pierre Francois
Roussillon.

1p. No. 10534.

p. 93422.

Jean B. Garic, Notary. Guillaume Roussillon to his brother Pierre Francois Roussillon to administer all of his affairs.

October 7th.

Procuration.Pierre Fé de Braqueville
to Claude Roulin.

1p. No. 10537.

pp. 93430-93431.

Jean B. Garic, Notary. Pierre Fé de Braqueville or Berqueville, to Claude Roulin to administer all his affairs in France.

October 7th.

Renunciation of**Community by**

Madame de Rouville.

2pp.

No. 10538.

pp 93432-93433.

Jean B. Garic, Notary. Marie Joseph Laumonde or Soumande, widow of M. de Rouville, gives an account of her late husband's estate, and also of the debts left by him. Many of these debts were contracted by them together. She states the estate would not equal one-tenth of these debts. By this act she hereby renounces

her community interest in the de Rouville estate in favor of her husband's creditors.

[Note: Enclosed with this act is an unsigned order in O'Reilly's writing dated October 6th, 1769, directing Mr. Garic to draw up the act of renunciation petitioned for by Madame de Rouville.]

Oct. 10th.

Procuration.Jean Augrand to
Mr. Rossal.

1p.

pp. 96917-96918.

Jean B. Garic, Notary. Jean Augrand grants to Mr. Rossal of La Rochelle, France, to receive sums of money, and to give receipts for same.

Oct. 12th.

Petition for**Permission to Make a**
Declaration.

by Mr. Bobé.

2pp. No. 10539.

pp 93435-93437.

To Don Alexandro O'Reilly. Mr. Bobé petitions to be permitted to make a declaration concerning a transaction which took place in 1763, between the petitioner's father, and Mr. Maxent. Mr. Maxent having gone to France without settling his obligations. Mr. Bobé's father acting as Bondsman was held responsible for a bill of exchange.

Captain General O'Reilly grants the petition.

1769.

Oct. 14th.

Marriage Contract.

Jacques La Mothe and
Jeanne Chevalier.

2pp. No. 10541.

pp. 93477-93480.

Signed: J. Lamothe,
Berqueville. Witnesses,

Jean B. Garic, Notary. Between Jacques Lamothe, native of Beaumarches, diocese of Dauchen in Gascony, France, son of Jean Lamothe, and the deceased Gabrielle de Lestrade, and Jeanne Chevalier, native of Illinois, daughter of Andre Chevalier, and the deceased Madame Le Kintrut. Signed: J. Lamothe, Jeannette Chevalier, Couturier, Fe de Berqueville. Witnesses, F. Hery, Joseph Chalon. Garic, Notary.

Oct. 18th.

Last Will and

Testament of

Madame Milon.

1p. No. 10542.

pp. 93481-93482.

Jean B. Garic, Notary. The last will and testament of Charlotte Coventine Ville Ray Milon or Villeray Millon. Signed Villeray Millon and witnessed by Francois Gaudeau and Henry Gardrat.

Oct. 19th.

Petition and

Procuration.

Louis Antoine Vandal.

2pp.

No. 10543.

pp. 93483-93484.

Two documents, one enclosed within the other:

I. PETITION TO HIS EXCELLENCY. MONSEIGNEUR, dated October 12th, 1769. Louis Antoine Vandal petitions Captain General O'Reilly, declaring that he owes a sum of about 4000 livres, and that he has arranged with his creditors

to make a settlement, but that he can not do so without assistance from his estate in France, and that he desires to send his power of attorney to an agent in France. He petitions the Captain General to order one drawn for him. O'Reilly orders Jean B. Garic, Notary Public, to execute a power of attorney for the petitioner. Signed "O'Reilly" and dated October 13th, 1769.

II. POWER OF ATTORNEY. Louis Antoine Vandal to Marguerite Vandal, wife of Mr. Hensieu or Hensier, Royal Mayor of Boulais, to administer all his affairs in France.

Oct. 21st.

Settlement.

Mr. de Morand and

Mr. Dauterive de

Valiere, with

Mr. Delery, Curator.

1p. No. 10544.

p. 93486.

Jean B. Garic, Notary of New Orleans. Mr. de Morand, and Mr. Dauterive de Valiere, his curator, acknowledge to have received from Mr. Delery the sum of 4513 livres, Mr. Delery was formerly tutor to Mr. de Morand, and he hereby transfers to him his portion of the estate which belongs to him.

Oct. 21st.

Contract of

Apprenticeship.

Mr. Guitros and

Messrs. Etienne

Brogard and Son.

1p. No. 10545.

p. 93487.

Jean B. Garic, Notary. Between Guitros, Master Shoemaker, and Etienne Brogard and Son, in which Brogard apprentices his son to Mr. Guitros to learn the trade of shoemaker.

1769.

Oct. 26th.

Settlement of Debt.Mr. Locquet to
La Pommeraye
Succession.

2pp.

No. 10546.

pp. 93488-93490.

Before Messrs. Fleuriau and Trudeau⁴, Mr. Locquet declares that he is indebted to the mass of the De la Boulaye succession, and to Madame La Pommeraye for the sum of 7639 livres, 10 sols. To settle this debt he agrees to transfer to Messrs. Trudeau and Fleuriau, a plantation at the German Coast, which has been seized.

This plantation consists of fifteen or sixteen arpents, and is valued at 2000 livres. Mr. Locquet also transfers a negro valued at 1800 livres, and a negress valued at 1000 livres, and further transfers some notes due him amounting to 1062 livres. This brings his payments to 5862 livres. He obligates himself to pay the remainder of the debt before his departure from the colony.

Oct. 28th.

Sale of a Contract.Jean Suriree to
Paul Segon.

1p.

No. 10547.

pp. 93491-93492.

Jean B. Garic, Notary. Jean Surirai or Suriray or Surirais de Larue, resident of Pointe Coupee, declares that he this day sells, and transfers a contract to Mr. Paul Segond of this city who accepts same. This contract was executed in Illinois before Mr. Labussiere, Notary, dated April 1st, 1764, and was entered into between

Michel Le Juene and Charles Cadron, and was transferred to the above said vendor by Magdelaine Henet, widow of Michel Le Juene, in her own name as her community interest in the estate of her late husband, as well as in the name of her minor children by this marriage. This contract is an obligation for the sum of 3200 livres due to the Le Juene succession by Charles Cadron as a balance on a payment for "goods, and claims" (des Biens et Chozes) sent to him from Pointe Coupee as appears by an act executed before Mr. Benoit, notary there, on the 4th of last September. The amount (of this contract) the vendor transfers to the purchaser with warranty in exchange for a negro named Francois, aged about twenty-eight, and a note for the sum of 1500 livres made by Joseph Verret to the order of Mr. Armand, and transferred by him to Paul Segond. This note is payable in planks valued at the rate of 2½ sols per foot. Vendor acknowledges delivery of the negro, and of the note.

⁴The record does not state in what capacity Messrs. Fleuriau and Trudeau acted, doubtless as adjusters or arbitrators. The text reads "Nous Soussignés Sommes convenus de ce qui suit pour L'arrangement des dettes que Le S. Locquet doit a la Succession de M. Lapommeraye."

1769.

Oct. 12th.

**Succession of the
Widow Montanary
called Toussain.**

5pp.

No. 10540.

pp. 93459-93467.

(A detached document.)

Madame Marguerite Totan (Toutan), widow of the deceased Montanary, Master Cordwainer, having been granted a petition to make an inventory of her late husband's estate, on March 1st, 1769, Louis Piot de Launay, counselor of the Superior Council, Joseph Adrien de La

Place, and the Greffier of the Council proceed to the house of the deceased Montanary where they make an inventory of his effects.

Note: This document dated March 1st, 1769, is enclosed in a folder marked; "Succession of the Widow Montanary called Toussain" dated October 12th, 1769, and is evidently a part of the following record.

Oct. 13th.

Succession.

Jean Baptiste

Montanary called

Toussain, and his wife

Marguerite Toton.

12pp.

pp. 93457-8

93450-6.

93438-9.

93440-9.

Before His Excellency Captain General O'Reilly.

Note: This succession is in a separate folder dated October 15th, 1769.

October 13th, 1769. family meeting called to name tutor. Joseph Ducros, commissioned by O'Reilly, assisted by Jean B. Garic, Notary ad hoc, holds a meeting at the latter's office, where they find Mr. Monget, under tutor to the Montanary minors, who announced to them the death of the widow Montanary

who has left six children, three of the daughters having married. To safeguard the rights of the minors he requests that a tutor, and under tutor be named, and that an inventory be made of the estate. Joseph Caillier (Callier) and Pierre Portait, sons-in-law of the deceased, Mr. Monget, Guitraux, La Vierge, and Bellair constitute the family meeting. They appoint Pierre Portait, a brother-in-law, tutor to the Montanary minors, and Mr. Monget the under tutor.

Oct. 15th.

**Inventory of
Said Estate.**

At the request of Pierre Portait, Joseph Ducros, commissioned by His Excellency, assisted by Jean B. Garic, notary ad hoc, make an inventory, and valuation of the

estate. This inventory was made at the house of the deceased in the presence of Mr. Monget, under tutor.

Oct. 19th.

Petition for Sale.

Pierre Portait and Mr. Monget as tutor and under tutor of the Montanary minors, petition saying there is a house belonging

to the succession which is in a very bad state of repair, and ask that an expert carpenter, and mason be called to make an estimate of the cost of making these needed repairs, and for a family meeting to decide whether it would be the best interest of the minors to put the house in good condition, or to sell it.

1769.

Oct. 21st.

**Sale and
Adjudication.**

At the request of M. Portait, tutor to the minors, Joseph Ducros, commissioned by His Excellency, assisted by Jean B. Garic, Notary, went to the home of the deceased

where they proceed to sell at public auction, and adjudicate to the highest bidder the estates left by the death of Mr. and Mrs. Montanary. These estates consist of household effects, silverware, wearing apparel. Provisions such as tobacco, and oil. Live stock, amounting to 385 livres. Lumber, deer skins and cattle amounting to 510 livres.

June 10th, 1770.

Account of Expenses.

Account of the expenses incurred in the settlement of the successions of Jean Baptiste Montanary, called Toussain (Toussaint) and his wife, Marguerite Toton. These expenses include the fees to the Judge, Procurator of the King, Clerk, the gross expenditures amounting to 388 livres 2 sols. 6 deniers.

Oct. 26th.

Duplicate Letter.

Ranjard & Co. to
Jean B. Garic.

La Rochelle, France, Messrs. Ranjard & Co., write to acknowledge Mr. Garic's letters of May 19th and 29th, 1769, which reached them September 7th, upon the arrival of the ship "*Le Pelletier*." They

state that they answer briefly in the fear that communication may be interrupted with the colony of Louisiana owing to its transfer to Spain. Mr. Garic will see from their letter of June 26th, 1769, that the indigo he shipped them was sold, and brought only 3027 livres 2 sols net. The writers say that they have not sufficient funds to meet the bills of exchange which he has drawn on them, so they have accepted the two (bills of exchange) furnished to Mr. Milhet. They ask Mr. Garic to take advantage of the first ship sailing for France to send other funds to settle the payments of the above mentioned bill of exchange, and also to provide for the carrying out of the memorandum which he has given them. Signed: Ranjard & Co.

Nov. 3rd.

Procuration.

Louise Cheval et als.
to Leonardo
Mazange.

pp. 100,024-100,026

Garic, Notary of the Cabildo. Louise Cheval, wife of Jean Milhet, and Marguerite Wiltz, widow of Joseph Mihlet, to Leonardo Mazange, to represent their interests in any and all legal business which may have to be transacted for them.

Nov. 4th.

Marriage Contract.

Michel Paquier and
Marie Anne Raby.

2pp.

No. 10549.

pp. 93494-93497.

Before the Notary Royal (name omitted). Marriage contract between Michel Paquier or Paquet, master tailor, son of Gerard Paquier and Marie Hinioul, and Marie Anne Raby, daughter of Pierre Raby, and Marie Anne Grassieu. Signed: Paquet, Marianne Raby, Pierre Raby, Marie Anne Raby, C. Laforte, J. Rabier. Witnesses,

L. Mazange and Henry Gardrat.

1769.

Nov. 4th.

Agreement and Mortgage.

Pierre Chabert and Jacques Philipe Jacqueline.

1p. No. 10548.

pp. 93493

Jean B. Garic, Notary. Pierre Chabert declares he owes Jacques Philipe Jacquelain the sum of 4639 livres as a balance on account, this sum he has promised to pay at next harvest, of 1770, in indigo of the best quality, in the place of money. For the security of this debt he gives a mortgage on all his present and future estates, and especially his domicile, a house situated

on Conti Street. A marginal note in Spanish states that the obligation was paid, and cancelled May 2nd, 1775. Attested to by Garic.

Nov. 7th.

Dissolution of a Partnership.

Between Francois and Jean Durand.

2pp.

No. 10551.

pp. 94513-94515.

Jean B. Garic, Notary. Jean and Francois Durand, brothers, heretofore associated in a business partnership, agree to its dissolution by mutual consent. The active and passive debts contracted by the two parties are: active debts 52938 livres 12 sols, passive 32215 livres 14 sols, 1 denier. It will appear from this statement the active debts exceed the passive by 20722 livres

17 sols 11 deniers. This sum remains with Francois Durand, who liquidates the affairs of the firm. Jean Durand receives the sum of 1722 livres which is not included in either the inventory or the accounts of the firm. Jean Durand before his departure for France, together with his brother grant their power of attorney to Jean Soubye or Soubie.

Nov. 8th.

Contract of Apprenticeship.

Jean Durant and Etienne Boyard.

1p. No. 10552.

p. 94516.

Jean B. Garic, Notary. Contract between Jean Durand or Durant, Master Cordwainer, and Etienne Boyard in which the latter apprentices his nephew, Jean Bouquoy, to the former to learn the trade of cordwainer.

Nov. 8th.

Dissolution of a Partnership.

Messrs. Detour and Villefranche.

2pp.

No. 10554.

pp. 94519-94520.

Jean B. Garic, Notary. Mr. Detour and Mr. Villefranche engaged in a business partnership agree to its dissolution. The two partners acknowledge the debts that they have contracted together. Detour sells his interest in the business to Villefranche, for the sum of 5000 livres, which he agrees to pay in money. He further obligates himself to pay a debt of 1000

livres to Andre Reinard. Villefranche gives Detour a receipt for the sum of 150 livres due for the rental of a house, and agrees to pay all debts of the firm, and releases Detour from all further obligations.

1769.

Nov. 10th.

Petition.

Madame de Villemont petitions for the appointment of a curator for her minor daughter Marie D'Auberville.

3pp. No. 10555.

pp. 94521-94525.

To His Excellency Monsieur O'Reilly. Madame Marie Francoise Petit de Coulange, widow of Jean Pierre Gerard de Villemont, tutrix to her minor daughter Marie Louise Le Senechal D'Auberville by her first marriage to Vincent Guillaume D'Auberville, petitions that a curator be named for her daughter to act in this capacity during the absence of Mr. De Vaugine, her curator. The petitioner, and

her daughter wish to leave for France, therefore it will be necessary to grant a power of attorney, and she asks that Daniel Fagot be named as curator in the absence of Mr. De Vaugine. Madame de Villemont declares that when she contracted her second marriage it became necessary to name a curator for her daughter who had obtained her emancipation. Mr. De Vaugine was appointed to this office and under his authority Miss D'Auberville managed, and enjoyed her estate. Mr. De Vaugine is absent from the colony on his own private affairs, and as the petitioner and her daughter are about to leave the city for France, it becomes necessary to name a curator whom she may authorize, or to whom she may grant her power of attorney to act for her in her absence. Madame de Villemont therefore petitions that Daniel Fagot be named to this office, while Mr. De Vaugine is away, to fulfill all the duties relative to the curatorship.

Nov. 12th.

Captain General O'Reilly orders seven relatives of the family to assemble to elect a curator for Miss Marie Louise Le Senechal D'Auberville in the absence of Mr. De Vaugine. He further commissions Mr. Jean B. Fleuriau, assisted by Mr. Jean B. Garic, Notary and Clerk of the Cabildo, to hold the family meeting.

Nov. 14th.

Jean Baptiste Fleuriau, commissioned by Captain General O'Reilly, holds a family meeting pursuant to the order of O'Reilly to name a curator ad hoc for Miss D'Auberville in the absence of Mr. De Vaugine. The members were Pedro Piernas, Mr. Maxent, Daniel Fagot, Olivier de Vezin, Mr. Adamville, Mr. Glapion, and Mr. Jung. The meeting names Daniel Fagot curator in the absence of Mr. De Vaugine. Mr. Fagot's appointment as curator is ratified and signed by Fleuriau, and Garic, commissioners for O'Reilly.

Nov. 13th.

Note. Saint Eloy.

1p. p. 94526.

A note signed by Saint Eloy for the sum of 67 (?) livres 10 sols.

1769.

Nov. 13th.

Sale of a House.

Jean Baptiste Ducarpe.
to Pierre Portait.
1p. No. 10556.
pp. 94527-94528.

and purchaser mortgages all his present and future estates and especially on the house and lot which he has just acquired.

Jean B. Garic, Notary. Jean Baptiste Ducarpe to Pierre Portait for the sum of 3000 livres buys a lot 60 feet front on Royal Street, and 30 feet on Saint Louis Street. Vendor acknowledges to have received 1500 livres in cash, the remaining 1500 livres to be paid January 1st, 1772,

Nov. 15th.

Acknowledgment of the Sale of a Fund.

Marie Joseph de Rouville to Pierre Chevalier de la Ronde and Andre Jung.
2pp. No. 10557.
pp. 94529-94531.

livres 10 sols in a plantation situated on the river, and the remainder paid in cash.

Jean B. Garic, Notary. Marie Joseph Soumande, widow of Jacques Michel Hertel Rouville, sells to Pierre Chevalier de la Ronde, and Andre Jung, the capital and arrears of revenue of a fund placed at the the Hotel de Ville of Paris. This fund produces an annual and perpetual revenue of 276 livres 10 sols. This sale is made for the sum of 5000 livres in piastres. Of this amount the vendor has received 1737

Nov. 15th.

Protest.

Mr. Boitard to Antonio Ximenes.
1p.
No. 10558.
pp. 94532-94533.

payment at its maturity by Mr. Ximenes on May 12th. Garic requests Mr. Ximenes to pay the same without delay, and failing to do so Mr. Boistard will file a protest against him for damages. Mr. Ximenes answered that he did not accept the bill of exchange, and that he would not *sign** the debt. This answer was taken down and given to Mr. Boistard in case he should wish to make a protest. Signed L. Mazange and J. Le Bougere, witnesses. A. Boistard, Garic, Notary.

Jean B. Garic, Notary. Jean B. Garic declares that at the request of Mr. Boitard or Boistard he went to the home of Antonio Ximenes and presented him a bill of exchange for the sum of 2500 livres drawn by Messrs. Fouchi & Sons on May 11th, 1769, to the order of Mr. Boitard, payable six months from date and accepted for

Nov. 16th.

Marriage Contract.

Jean Paillet and Catiche Villaray.
2pp. No. 10559.
pp. 94534-94536.

Jean Paillet, De la Place, L. Mazange Romain witnesses. Garic, Notary.

Jean B. Garic, Notary. Marriage contract between Jean Paillet, native of Martigues bishopric D'Arlez, son of Antonio Paillet, and Marianne Paillet, and Catiche or Catherine Villaray, natural daughter of Charlotte, a free mulattress, and the late Roy Villaray. Signed Catherine Villerey,

* The text reads "et a declare ne voulais signe sa dette."

1769.

Nov. 18th.

Last Will and Testament.

Louis Claude Leclert or Leclerc.

2pp. No. 10560.

pp. 94537-94539.

Jean B. Garic, Notary. Last will and testament of Louis Claude Leclert, or Leclerc. Signed Leclerc, Grandpre and Raguet. Garic, Notary.

Nov. 23rd.

Oath of Allegiance,
1p.

Collated copy signed "St. Ange" of the Oath of Allegiance to the Spanish Crown taken at St. Louis, Mo., before St. Ange de Bellerive, on November 19th, 1769.

(See 4 Louisiana Historical Quarterly 205-215.)

Nov. 24th.

Sale of a Negress.

Jean Perret to Jean Baptiste Moroteau.

1p. No. 10561.

pp. 94540-94541.

Jean B. Garic, Notary. Jean Perret to Jean Baptiste Moroteau, a negress named Marie Joseph, aged 20 years, for 1500 livres paid in cash. Vendor hereby giving receipt to the purchaser.

Nov. 29th.

Receipt.

Joseph Songy to his brother and tutor Pierre Songy.

1p. No. 10562.

p. 94542.

Jean B. Garic, Notary of the Cabildo. Joseph Songy gives a receipt to his brother and tutor, Pierre Songy, for the sum of 3500 livres, which is his share of the proceeds from the sale of the real property belonging to their father's and mother's estates.

Dec. 7th.

Receipt.

Joseph Durat or Burat tutor to the minors Millet to Madam, the widow Dorgon.

1p. No. 10563.

p. 94543.

Jean B. Garic, Notary of the Cabildo. Joseph Durat or Burat, tutor to the minors Millet gives Madame, the widow Dorgon, a receipt for the sum of 215 livres for three years rental of a house belonging to the said minors.

Dec. 7th.

Succession ofMarie Louise Bary, wife of Louis Barbier.
4pp.

No. 10564.

pp. 94544-94550.

To Don Alexandro O'Reilly, Captain General and Governor of the Province.

Note: This record which began in October is filed in the Greffier's office in December.

October 9th, 1769. Louis Barbier petitions saying his wife, Marie Louise Bary, died August 20th last, leaving seven minor children by her first husband, namely Francois 22, Claude 19, Francoise 16, Etienne 14, Marianne 12, Charles 8, Pierre 5. His wife leaves an estate consisting of a half lot of ground with a house in a bad state of repair, some furniture, also in bad condition, and six

animals, and her community interest in a small piece of land belonging to the petitioner. He seeks an order for an inventory, and to name a tutor, and curator for the minor children, and to have a valuation put on the house, furniture and animals by two appraisers who will be named by His Excellency. He further states that it will be necessary to sell a part of the estate to defray expenses, and asks the same be adjudicated to him at the price of its valuation, and that a record be kept of it so that he may be able to effect a settlement with each one of the minor children as he comes of age. He asks the court also to grant him permission to make certain repairs on the house.

1769.

Oct. 14th. O'Reilly appoints Messrs. Langlois and Bijon to examine the condition of the house to appraise it and the furniture and animals and to report back to the court.

Oct. 7th. Messrs. Langlois and Bejon make an inventory and valuation of the estate left by Marie Louise Bary which amounts to 1381 livres 5 escalins.

Oct. 13th. Captain General O'Reilly orders the record of this inventory and valuation deposited with the clerk (Greffier).

Dec. 8th. Jean B. Garic, Notary, declares that at the request of Messrs Cavelier Brothers, merchants of this city, he went to Gilbert Maxent's house where he spoke to Mrs. Maxent and showed her the original of 2 promissory notes amounting to the sum of 6886 livres 16 sols, 3 deniers, signed by Mr. Maxent in favor of Messrs. Bienvenu Brunet and Company, the first payments due September 25th and November 3rd of 1767. These notes have passed to the order of Mr. Cavalier, he demands payment thereof and in default will protest the same. Mrs. Maxent answered that her husband was not there but if he was he would not pay the debt. This answer was taken as a refusal, and a copy of this act as well as of the two notes were given to Mr. Cavalier.

(1) Dec. 11th. Jean B. Garic, Notary appointed by the Cabildo.

Acts of Sale. Note: The four following Acts of Sale bound together.

Louis Boisdore to Pierre Deverges. Louis Boisdore to Pierre Deverges a lot of ground and improvements for 7000 livres. Catherine Poupart wife of Pierre Deverges and Marguerite Doussains wife

of Louis Boisdore, both consent to the sale. The record does not state where the property is located, but the vendor declares it is same that he acquired at judicial sale from Mr. Duplessis.

1769.

(2) Dec. 11th.
Allain La Vergne to
Jean Baptiste Sauvier.
1p.

Allain La Vergne to Jean Baptiste Sauvier a piece of land measuring 30 feet wide by 120 deep, with improvements, situated on St. Louis Street for 1125 livres.

(3) Dec. 11th.
Pierre Drouinaud to
Henri Voix. $\frac{1}{2}$ p.

Pierre Drouinaud to Henri Voix a boat named "*The Saint Peter*" for 1200 piastres.

(4) Dec. 11th.
Francoise Plassan,
widow Prevot to
Joseph Page. $\frac{1}{2}$ p

Francoise Plassan, widow of Jean Baptiste Prevot or Prevost to Joseph Page, a mulatto slave boy named Joseph, son of Manon, for 200 piastres.

Dec. 12th.
Ordinance by
Governor Louis de
Unzaga. 1p.

Ordinance of Governor Louis de Unzaga regarding the laying of banquettes (sidewalks). This is the first time this word is found in the Spanish records.

Dec. 12th.
**Settlement with
Heirs.**
Mr. Bobé with Messrs.
Bernoudy, Pechon and
Aubert.

Jean B. Garic, *Advocate in Parliament*, and Notary Royal. Mr. Bobé makes a settlement with Messrs. Bernoudy, Pechon and Aubert, heirs to one-fourth of the estate of Marie Jeanne Bobé, minor daughter of Jean Arnoult Valentin Bobé, and Francoise Elizabeth Bernoudy. The heirs claiming the estate are Francois and Bernard Bernoudy, Marie Claudine Bernoudy, widow of Count Pechon, and Jean Baptiste

4pp.
No. 10568.
pp. 94561-94564.

Aubert, the mother of the deceased having been a sister of the claimants.

Jean Baptiste Aubert came to an amicable settlement with Jean Arnoult Valentin Bobé Descloseaux over the Aubert claim, in the name of, and as tutor to the minors, Jean Baptiste, Annibel, and Marie Euphrosine Aubert, his minor children heirs of his wife Marie Louise Bernoudy to $\frac{1}{4}$ part of the estate of Marie Jeanne Bobé, minor daughter of Jean Arnoult Valentin Bobé Descloseaux, and Francoise Elizabeth Bernoudy, aunt to his minor children.

[Note: This document is dated on the cover July 12th, then changed to December 12th. It should be July 12th, and belongs to the Superior Council records, and is evidently a part of another suit. This record is therefore out of place, but follows in sequence docket number and pagination.]

Dec. 14th.
Procuration
Messrs. Jean Bartholomy
and Antoine Charbonnet
to Mr. Rochias.
2pp. No. 10569.
pp. 94565-94567.

Jean B. Garic, Notary, appointed by the Cabildo. Messrs. Jean Bartholomy, and Antoine Charbonnet, brothers, heirs of their mother Marie Cusson, and through her heirs to Jean Bartholomy Cusson, to Mr. Rochias of Thiers, France, where their mother has died, to represent their interests in the settlement of her succession, and that of Jean Bartholomy Cusson, who during his life was prevost of the Collegiate Church of Thiers.

1769.

Dec. 19th.

Marriage Contract.

Francois de la Ville and Marie Pecheret.

2pp.

No. 10570.

pp. 94568-94571.

geron, George Hence.

Before Notary Public of the Government (name omitted). Contract of marriage between Francois de la Ville, son of Jean de la Ville and Francoise Jardin, and Marie Pecheret, daughter of Pierre Pecheret and Marie Carlier. Signed, Marie Cordie (Carlier), J. Monget, Chaussefoint, L. Mazange, P. Rodier, F. Pecheret, Tor-

(Heno.)

Dec. 20th.

Sale of a House.

Jean Lafitte, agent for Bartholomy Guillard

to Philippe de Mandeville.

1p. No. 10571.

pp. 94572-94573.

Jean B. Garic, Notary. Jean Lafitte, Jr., in the name of, and as agent of Bartholomy Guillard to Philippe de Marigny de Mandeville, a house on Saint Louis Street for the sum of 1100 livres in piastres payable in one year in indigo of the best quality, at the rate of 4 francs a pound. As security purchaser mortgages all his present and future estates, and especially the house and lot aforesaid. A marginal note in Spanish states that the mortgage was cancelled on December 2nd, 1773, when the debt was paid. Attested by Jean B. Garic.

Dec. 22nd.

Protest.

Evan Jonhs (Jones) against

Armand & Verret.

1p.

No. 10572.

pp. 94574-94575.

Jean B. Garic, Notary, appointed by the Cabildo. The notary declares that at the request of Evan Jones he went to Mr. Verret's house on Conti Street, and also to Mr. Armand's house on Dumaine Street. At the former he was told that Mr. Verret was absent, and at the latter he saw Mr. Armand and showed him the original note signed by Mr. Fairchild absent from this city to the order of Mr. Armand for the sum of 343 piastres gourdes, dated June 8th, 1769, and passed to the order of Joseph Verret by conveyance July 17th last, and afterwards to the order of Evan Jones. The note here included (not with this act) was made the above said day in Pointe Coupee, and payable in six months. Mr. Garic asked Mr. Armand to pay the note without delay, Mr. Armand answered that they must wait for Mr. Fairchild's return who was expected any day, and that he would attend to his note himself, and that he (Armand) would not sign. This answer Garic treats as a refusal and he gives a copy of this act to Evan Jones. Signed Evan Jones, Pierre Rodier, Jean B. Garic, Notary.

1769.

Dec. 22nd.

Receipt.

Antoine Boudousquie
called Villefranche to
Mr. Huguey.

1p.

No. 10573.

pp. 94576-94577.

one whereof for 330 livres, and the other for 5058 livres 10 sols.

Jean B. Garic, Notary Public of the Government and Cabildo. Antoine Boudousquie acknowledges to have received from Mr. Huguey an inventory of the notes and accounts which were delivered to him in his office June 1st last. These notes are as follows, one of Mr. Hubert accepted by the late Mr. Lafreniere for 10977 livres

15 sols 9 deniers, and two of Mr. Janvry

Dec. 23rd.

Contract to Build a Ship.

Jean Verret and others
to Touton Beauregard.

2pp. No. 10574.

pp. 94578-94580.

Before a Notary (name not given). Jean Verret, builder, Esprit Lioteaux, Jean Audebert, Jean Teinard, Armand Magnon and Charles Paschal agree with Touton Beauregard to build a ship. Dimensions, specifications and manner of payment all mentioned in this act.

December 23rd.

Sale of a Negress.

Jean Bordenave to
Louis Mallet.

2pp.

No. 10575.

pp. 94582-94584.

Jean B. Garic, Notary Public of the Government and Cabildo. Jean Bordenave recognizing the wish of Mr. Mallet to give freedom to a negress named Jean, aged about 28 years, agrees to sell her to him. The vendor acquired her the day before at the sale and adjudication of the estate belonging to the late Mr. Noyan, for the

sum of 950 livres, and transfers her to the present purchaser for the same price. The emancipation of the negress Jeanne is hereby made in this act of sale, which must be ratified by another notarial act.

December 23rd.

Ratification of the Sale and Emancipation of a Slave.

Jean de Bordenave and
Louis Mallet.

1p. No. 10576.

pp. 94585-94586.

Jean B. Garic, Notary, appointed by the Cabildo. Jean Bordenave emancipates a negress named Jeanne from slavery, whom he had acquired by purchase the day before at the sale and adjudication of the estate of the late Mr. Noyan.

December 24th.

Maritime Protest.

Capt. Guillaume Moor.

1p. No. 10577.

p. 94587.

of the Captain's declaration. Signed William Moore, James Sheffield, Henry Gaudrat, Pierre Rodier, Layssard.

Before the Greffier of the Cabildo, (name omitted) Guillaume Moor, captain of the ship "*The St. Peter*," declares that one of his cables which was in bad condition broke during the voyage. James Sheffield, second in command, testifies to the truth

Dec. 28th. **Agreement.** Jean B. Garic, Notary of the Government and Cabildo. Simon Laurence Durieau and Catherine Cheval with Catherine Cheval, widow Linciteau (Lioteau?) in the presence of Mr. Garic, voluntarily agree to end all proceedings over the plantation acquired by Mr. Lioteau from Mr. Durieau, and to satisfy the decree of the Superior Council dated

1p.
No. 10578.
pp. 94588-94589.

January 21st, 1769. They turned the subject of contention over to Messrs. Joseph Carriere, Cheval Roquigny, and Vincent Boiseau who made their report, and in accordance with it to end the affair amiably Mr. Duriau offers Catherine Cheval the sum of 528 livres 7 sols 6 deniers, which sum she agrees to accept. This sum was counted out to her in piastres in the presence of Mr. Garic, and witnesses, which she acknowledges as delivered, and gives a receipt for them. Signed for Simon Durieau, L. Mazange, for Madame, the widow Linciteau L. Mazange. L. Mazange, Pierre Rodier, witnesses.

December 30th. **Marriage Contract.** Before Notary of the Government and Cabildo. Between Nicolas Daunoy, son of Charles Favre Daunoy, and Catherine Hubert Bellert (Bellair), and Francoise Brigitte Macarty, daughter of Bartholomy (Bethelmy) Louis de Macarty and Francoise Pellerin. Signed O'Reilly, N. Daunoy, Francoise Brigitte Macarty, Hubert Nannon Pellerin Chevalier Macarty, Charlotte

2pp.
No. 10579.
pp. 94590-94592.

Bellair, Daunoy de Loppinot, Pecalvet, Maleg, Macarty son, Le Bretton, Dezillest, Chevalier Macarty son, Favre Daunoy de Lajonchere, Macarty Le Bretton, Hubert Grellevry, Pellerin, Le Chevalier de Macarty, Deuellan Demembede.

(To be Continued.)



MINUTES OF MEETINGS IN 1922

By Miss Grace King, Secretary.

JANUARY, 1922.

The Louisiana Historical Society held its monthly meeting on the evening of January 24th, in the Cabildo. There was a complimentary assemblage of members and visitors. The President presided.

After the reading of the Minutes of the previous meeting by the Secretary, which were approved, the following were elected members of the Society: H. J. Boisseau, C. A. Fraser, Howell Morgan, Miss Genevieve Murphy, Frank. S. Palfrey, Hampden Story, Irving Washburn, Mrs. Lewis S. Clark.

The Secretary read a communication from Mr. W. D. Windom, of Washington, D. C., asking information about the wrought iron work of New Orleans; whether it could be traced to the iron work of Bordeaux, in the early part of the last century, which it resembled; and whether it had been proved that Lafitte ever maintained a forge in New Orleans, for the production of wrought iron work.

Also, he asked enlightenment about the iron gates of the Cabildo, which were undoubtedly of later construction than the building.

Mr. Cusachs answered the questions in a satisfactory manner,—that the wrought iron work to be seen today in New Orleans was undoubtedly of home manufacture and produced by forges in the city. He cited the name of Petlaune, as a noted worker in iron during the last century, and stated that there was no authentic proof that Lafitte ever maintained a smithy in the City. The iron doors of the Cabildo, he stated, were duplicates of the iron doors of the Custom House, which were completed about 1850.

Mr. Cusachs then mentioned the fact that Mr. Ernest Lee Jahncke, had presented him money with which to buy for the Society the medal struck off to commemorate the visit of Marechal Foche to this country.

The Treasurer apologized for being unable to present his financial report for the past year, and handed in a statement showing the amount of cash on hand in the bank to be \$645.42. He promised a detailed report later.

The election of officers for the coming year being next in order, Mr. Cusachs called Mr. Henry Gill to the chair. Mr. E. A. Parsons placed in nomination the names of all the present officers; this was seconded and the election of all was made unanimous with much enthusiasm.

Mr. Parsons presented the paper of the evening: "*The Stones of Rheims: A Chronicle of the Late Jeanne D'Arc Celebration*,"² which Mr. Parsons and Mr. Andre Lafargue attended in Rheims, as delegates of the Louisiana Historical Society. It was prepared in Mr. Parson's best manner, complete in its historical and architectural details, generous of information, and broad in scope. The author held the audience entranced while he read, and further delighted them by the exhibition of a series of slides of great artistic beauty.

Mr. Parsons was warmly thanked by the Society, which then adjourned.

FEBRUARY, 1922.

On account of the grave illness of Vice-President Dymond, and the apprehension of its early and fatal termination, the regular meeting of the Society in February was adjourned.

MARCH, 1922.

The regular monthly meeting of the Louisiana Historical Society took place on Tuesday evening, March 28th, in the Cabildo. There was a full attendance of members, with the President in the chair.

After the reading of the minutes by the Secretary, the following were elected members of the Society: Alexandria Public Library, Rev. R. H. Harper, Mrs. James J. McLoughlin, E. E. Wright, Mrs. Mary Pohlman, P. Castledon, Mrs. A. S. Specht, Rev. F. Basty, Miss Mary B. McKellar, Hugh M. Wilkinson, Vincent Gray, T. A. Silvera, Mrs. J. D. Addison.

Mr. W. O. Hart, as chairman of the committee to prepare a memorial to the late Vice-president of the Society, Mr. John Dymond, presented a fitting tribute which was read by Mr. E. A. Parsons.¹ It was warmly applauded by the audience. Mr. Wilkinson added some very eloquent remarks on the great contributions of Mr. Dymond to the agricultural interests of the State.

¹This memorial was published in our April, 1922, Quarterly, p. 188.

²Printed in 4 La. Hist. Qtrly., 425.

The election of an officer to fill Mr. Dymond's place was then proceeded with. Mr. Gill nominated Mr. E. A. Parsons, who was elected. Mr. Rouen's name was presented in a few short, complimentary sentences by a member, but that gentleman immediately arose and insisted upon withdrawing his name. The President therefore declared Mr. Parsons elected.

The President then announced that at the recent meeting of the Executive Committee, Mr. Dart had been placed in charge of the publication of the Society's journal. This announcement called forth such an outburst of applause, that Mr. Dart at once responded, in an expression of appreciation, outlining the importance and scope of the work conferred upon him by the Society, pledging his best efforts to carry it on in a manner worthy of the Society; and asking the cooperation of the members to furnish, not only material, but to volunteer assistance in the necessary labor of correcting the proof sheets accumulated during the illness and since the death of Mr. Dymond.

Mr. Rouen, according to the programme, then made the presentation of a very beautiful crayon portrait of Pierre Margry, which had been presented to the *Athenee Louisianais* after the death of the great Archivist, by Madame Margry, and which was now offered by that Society to the Historical Society. Mr. Rouen added a very charming and interesting sketch of Margry's life*, illustrated by many personal details obtained from friendly sources. He was thanked by President Cusachs, and the vote of the Society.

Mr. W. O. Hart, then read a paper on "The Napoleon Inksland"² and presented the Society with this beautiful gift from Mr. J. Sanford Saltus. The Secretary was instructed to thank Mr. Saltus, in a proper way, for this Historic Souvenir.

Mr. Hart, unfolding a Beautiful Flag, the flag of the new free City of Dantzig, gave it to the society on behalf of Mr. H. C. Ehrenfels of Baton Rouge. The appreciation of the City was evinced by a generous applause.

A sketch of Mrs. Edward Livingston, being a beautiful résumé of the life and character of this noted woman—wife of the great jurist of whom Louisiana is justly proud—was read by Mr. Hart.

The meeting then adjourned.

*Printed in 5 La. Hist. Qtly., 192.

²This paper by Mr. Hart was printed in our October, 1922, number of the Quarterly.

APRIL, 1922.

The regular monthly meeting of the Louisiana Historical Society was held at the Cabildo, April 24th, 1922, at 8:00 P. M.

Mr. Gasper Cusachs, President of the Society, presided.

The President stated that Miss Grace King, Secretary of the Society, was unable to be present and called Mr. E. A. Parsons as Secretary Pro-tem of the meeting.

Mr. James Renshaw, for the Membership Committee, reported on new members, and on his motion, seconded by General Booth, the following were elected members of the Society: Colonial Dames of Louisiana, Mrs. H. J. de la Vergne, Martha D. Gould, Miss Nellie S. Hart, Dr. Jacob W. Newman, Miss Marie Norra, W. H. Renaud, Jr., Mrs. F. Rivers Richardson, Mrs. H. de B. Seebold, G. T. Simon, E. E. Soule, Richard Alf. Whalt.

A letter from the Citizens' Committee to raise funds to entertain the Fourth Annual Convention of the American Legion to be held in New Orleans from October 16th to 21st, 1922, was read, requesting the Society to contribute to this fund. Mr. Hart moved that an appropriation of \$50 be made for this purpose. Judge Renshaw opposed the motion, stating that he did not feel that the Society had been shown due consideration by those in charge of the American Legion during the recent visit of Marshall Foch. The matter elicited some debate and finally Mr. Hart's motion, seconded by Mr. Lafargue, was put to a vote and carried.

Mr. Hart then presented to the Society on behalf of Mr. J. Sanford Saltus of New York, member of the Society, the original die of the Confederate half dollar.³

Two poems received by the President, entitled "L'Ideal" and "Loin", were referred to the Editor of the Quarterly.

A letter was received from Mr. James A. Renshaw addressed to the President, informing him that he had prepared a paper on "The Hunt Family", which he would be pleased to read to the Society whenever agreeable. The Society thanked Mr. Renshaw and referred the matter to the Executive Committee to fix a date for the reading of the paper.

The paper of the evening was by Professor John S. Kendall, "The Municipal Election of 1858",—an interesting and informing account of a dramatic episode in our history not fully treated elsewhere. On the conclusion of the paper, Professor Kendall

³His remarks have been printed in the October, 1922, Quarterly.

received a vote of thanks and the Society ordered the paper to be published.*

Judge Fernandez then told some of his personal experiences and recollections of the election of 1858.

Mr. Andrew Lafargue presented the Society with the original medals struck by the French Government to Commemorate the second anniversary of the founding of the City of New Orleans and, in doing so, read an explanatory sketch of the New Orleans Bi-Centennial Medallion. He then presented the publication commemorating the Bi-Centennial of the foundation of New Orleans, which contained the address of M. Gabriel Hanotaux, "*L'Union de la France et de L'Amerique*", and the discourse delivered by Mr. Lafargue in Paris; also a copy of the report of Mr. Lafargue, chairman of the Bienville Bi-Centennial Commission, sent by the Mayor of the City of New Orleans to Paris. These presentations were in Mr. Lafargue's able and characteristic manner. The Medallion and papers were accepted by the Society and ordered to be placed on exhibition in a prominent place in the meeting room.

MAY, 1922.

The Louisiana Historical Society held its regular monthly meeting on the night of May 23rd, at the Cabildo, with a very good attendance of members.

In the absence of the President, Mr. Parsons took the chair.

The Secretary read the report of the last meeting, which was approved.

Dr. Lemonnier spoke a few words with reference to the die of the Confederate half dollar, presented to the Society at the last meeting, by Mr. J. Sanford Saltus. He gave some very interesting facts concerning it, also coins made from it, now in the Confederate Memorial Museum. He mentioned also the Beauregard coin, the size of a dime, the one specimen of which was lost. At Mr. Dart's request, Dr. Lemonnier consented to put his remarks in writing for publication in the Quarterly.⁴ Mr. Parsons thanked Dr. Lemonnier, in the name of the Society, and made gracious acknowledgment to Mr. Saltus, the ever-generous friend of the Society.

⁴This has been printed in the October, 1922, quarterly.

⁵See 5 La. Hist. Qtly., 357.

Mr. W. O. Hart, presented, in the name of Mr. Ed. Curtis of California, a remarkably beautiful print in colours of a group of rare squirrels made from one of Audubon's pictures.

Mr. Parsons, in the name of Miss Florence Dymond, presented an interesting collection of some thirty maps made by her father, the late Vice-President of the Society. Mr. Parsons read the list of maps, dwelling on the interest and value of a number of them.

Miss King pointed out on an 18th century English map, the significance of the *Espiritu Sancto*, affixed to the Mississippi, as a valuable evidence in the once important controversy waged as to whether the Mobile or the Mississippi River, was called *Espiritu Sancto*. A vote of thanks was extended to Miss Dymond, with the assurance that the collection of maps, would be held by the Society as a memorial to her father.

The following members were unanimously elected: Mr. C. Taylor Gauche, Mr. Stewart Maunsell, Mrs. Charles A. Tessier, Dr. M. B. Varnado, Mr. Robert S. Williams, Miss Dorothy Stewart, Mrs. D. D. Moore, Miss Letitia Kinabrew, Mrs. R. G. Pleasant, Mrs. H. M. Stem, Dr. C. Edmund Kells, Dr. Sidney G. Fisher, Mr. D. D. Moore, Mrs. Auguste Claverie.

The paper of the evening was furnished by Mr. James Renshaw, "The Hunt Family", which was treated in a most satisfactory manner—complete in biographical and statistical data, and it should form a valuable addition to the biography of our State and City*. Mr. Renshaw was warmly thanked by the audience for his contribution. Mr. W. O. Hart, in his usual felicitous manner, added some personal recollections of the Hunt family, and Mr. Parsons also drew interesting addenda from his memory.

The Society then adjourned.

*Printed in 5 La. Hist. Quarterly, 339.

OCTOBER, 1922.

The regular monthly meeting of the Louisiana Historical Society was held at the Cabildo on October 24, 1922, at 8:00 p. m.

The meeting was called to order by President Gaspar Cusachs. Miss Grace King, Secretary of the Society, not being present, President Cusachs requested Mr. E. A. Parsons to act as Secretary of the meeting.

The Chairman of the Membership Committee submitted the following names for membership, all of whom were unanimously

elected members of the Society: J. M. Blache, Hammond, La.; L. H. Gosserand, Miss Estelle Grevenberg, Miss Mathilde Grevenberg, Louis C. Guidry, John A. Guthans, Archibald Kains, H. W. Kaiser, John J. O'Neil, Sidney Story, A. Fred Bultmann, Jr., Mrs. Jeanne Castellanos.

Mrs. Olivia Blanchard read a paper on "The Famous Death Mask of Napoleon"; and in the course of her essay, gave extracts from documents of the time and quoted news paper clippings, in French with English translations. This paper was an able presentation of a fascinating historical relic.

Mr. Edward Alexander Parsons read an appreciation of the late J. Sanford Saltus, entitled: "John Sanford Saltus: A Remembrance". Mr. Saltus, an honorary member of this Society, was distinguished in the circles of art and letters in America and Europe; he was deeply interested in the Louisiana Historical Society, and made many gifts of artistic and historical interest.

Mr. W. O. Hart, read a copy of the will of his friend Mr. Saltus.

An account of the funeral of the late Mr. Henri Vignaud, received from Mr. Andre Lafargue, (who spoke at Mr. Vignaud's funeral at Bagneux-Seine); was given by Mr. Hart.

Dr. Y. R. LeMonnier gave a spirited and interesting account of the last slave ship and cargo.

On motion, the meeting adjourned.

NOVEMBER, 1922.

The Louisiana Historical Society held its regular monthly meeting on the evening of Tuesday, November the 28th, in the Cabildo.

Mr. Parsons, who had replaced the Secretary in her unavoidable absence, read the Minutes, which were approved. The attendance was small. The following persons were elected members of the Society:

Porteus R. Burke, E. P. Carstens, Dr. J. B. Guthrie, James O'Connor, Frank G. Otis, Henry Plauche, Walther Eliot Thwing, Edward Rightor, M. J. Sanders, Edward Weeks, Miss Martha McC. Read.

An interesting letter from Colonel Robert F. McMillan, U. S. A., was then read and called forth some discussion which ended with a resolution presented by Mr. Dart expressing the opinion

of the Historical Society as being decidedly in favor of the retention and, if possible, the restoration of Forts Jackson and St. Philip. Mr. Dart, in a humorous vein, related the fact that he was born in Fort Philip, and added some reminiscences of his father, who, as a constructive engineer, passed many years of his life in work on the old forts of Louisiana.

HEADQUARTERS, 87TH DIVISION, U. S. A., POLAND AND DAUPHINE
STREETS, NEW ORLEANS, LA.

November 9, 1922.

Mr. W. O. Hart,
134 Carondelet St.,
New Orleans, La.

My dear Mr. Hart:

Your name has been given to me with the information that you are interested in the Louisiana Historical Society. I have been ordered, lately, to investigate as to whether or not there is sufficient interest attached to old Forts Jackson and St. Philip to warrant their retention with a possible view to future restoration, or, if such interest does not exist, that they be turned over to the Engineer Department, United States Army, for demolition with a view to the utilization of the material in levee preservation.

I would greatly appreciate an expression of opinion from you, and if it is possible to get the expression of opinion of the Historical Society, which would be of great benefit to me in forming an opinion.

Very truly yours,

ROBT. R. McMILLAN,

Lieut. Colonel, C. A. C.

Mr. Hart came forward with a package of donations that had been sent to him for the Society. Opening it, he exhibited three antique silver spoons, made in New Orleans more than a century ago, presented by Mrs. Kate Wheat, who was warmly thanked for her very pretty addition to the antique silver collection possessed by the Society. Mrs. Wheat also presented a very rare and valuable bound pamphlet, containing the history of the proceedings in New Orleans on the occasion of the memorial ceremonies in honour of Calhoun, Clay and Webster, on December 9th, 1852. Mr. Dart received the book for the Society and spoke earnestly on the value to history of such publications, and congratulated the Society on being able to add to its library a souvenir so unique and precious,

adding that he expected to publish in the *Society Quarterly* extracts from the speeches made by Chief Justice Eustis for Calhoun; the Hon. Théodore McCaleb on Clay, and by the eminent old jurist Christian Rozelius, on Webster. Such a trio of orators is hardly to be met in conjunction, or on such a rare occasion for the exhibition of their powers, as the panegyric of three of the greatest statesmen ever produced by the United States.

Mr. Hart presented to the Society, in the name of Mrs. Benjamin Ory, a volume containing the arguments of the defendants and the judgment of the Supreme Court, in the case of the will of Stephen Girard, in which, as will be remembered, New Orleans was also interested, inheriting a part of the lands owned by Girard situated in Louisiana. Mrs. Ory also presented a fac simile of the Declaration of Independance, in a good state of preservation.

The climax of interest was reached with the opening of a minute box, which revealed a small piece of stone from the tomb of Napoleon, at St. Helena, presented by Dr. Paul Riess, with the accompanying letter from his friend, explaining its being in New Orleans. The bit of willow alluded to, had evidently been lost in the course of time.

New Orleans, Sept. 20th, 1843.

Mr. Delpit, Sergeant-Major, Orleans Artillery Corps.

Sir:

Knowing the desire, you have expressed to have a fragment of the stone and a bit of the willow branch, taken from the tomb at St. Helena, and which were given to me by Marshall Bertrand, I pray you to accept from me this little box containing a portion of the fragments above-mentioned.

If you will consider them both as a pledge of friendship and as a memorial of the splendid conduct of General Bertrand, one of the finest characters of the 19th century,

You will oblige your

Ever devoted comrade,

N. Gally,

Major,

B lion Orleans Artillery.

The paper of the evening on "The Nicholls Family" was read by Mr. Dart, in the absence of the author. It was listened to with intense interest, and indeed with emotion. A charming paper and model of biographical writing. Francis T. Nicholls has written his name so large in the history of the State, that for twenty years all other history seems but an accompaniment of it; but no record

like this paper of his family existed. It will serve when the memory of the present generation has outlived its strength to fix a glorious name and date for the future. Mr. Dart promised an early publication of it*.

The following resolution, introduced and passed at the end of the meeting, explains itself.

RESOLUTION BY MR. HART.

Whereas it is of the utmost importance that the records of Louisiana soldiers in the great World War should be preserved, classified and catalogued so as to be easy reference for students and historians—

And Whereas many of the Historical Societies of the United States have undertaken this work and the Louisiana Historical Society should do likewise, therefore—

Be it resolved that there is hereby created by the Society, the Office of Commissioner of World War Records and the President is authorized to appoint a member of the Society thereto; said Commissioner shall gather as far as may be all the World War records of Louisiana soldiers and preserve same in some safe place and classify and catalogue same from time to time, and be authorized to apply to the Governor or other state officials for said records and for authority to take charge thereof.

The President took the matter of appointments into consideration, and announced that he would make them in due time.

Professor Chambers laid on the table his splendid and comprehensive work, "The Beginnings of the Mississippi Valley"; the first copy off the press, he said. It was much admired and praised and he was warmly thanked by motion.

Mr. Dart then announced that on account of the great accumulation of work in bringing out the historical periodical, he had been forced to ask assistance. He begged that the three names he announced, would be empowered to act as his assistants or constitute the advisory Editorial Board of the Louisiana Historical Quarterly, viz: Miss Grace King, Mr. William Beer, and Prof. John S. Kendall of Tulane, who would appear as Assistant Editors of the Quarterly.

The meeting then adjourned.

DECEMBER, 1922.

No meeting was held in December on account of the Christmas holidays intervening.

*This paper is printed in this issue of the Quarterly.



